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January 05, 2011 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for Dec. 22, 2010, Dec. 29, 2010 or Jan. 05, 2011. The next regular meeting is scheduled for **WEDNESDAY, JAN. 12, 2011,** City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Dec. 17, 2010**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JAN. 12, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 15, 2010 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 36 Ashbury Street. Letter from David Tornheim, requestor, asking that the Board take jurisdiction over Wireless Box Permit No. 10WR-0116 issued on Oct. 26, 2010 by the Dept. of Public Works. The appeal period expired on Nov. 10, 2010, and the Jurisdiction Request was received at the Board office on Dec. 01, 2010. Permit Holder: NextG Network Inc.

(4b) **JURISDICTION REQUEST:**

Subject property at 156 – 27th Avenue. Letter from Jeff & Nicole Cooper, requestors, asking that the Board take jurisdiction over Wireless Box Permit No. 10WR-0021 issued on Sept. 08, 2010 by the Dept. of Public Works. The appeal period expired on Sept. 23, 2010, and the Jurisdiction Request was received at the Board office on Dec. 22, 2010. Permit Holder: NextG Network Inc.

(4c) **REHEARING REQUEST:**

Subject property at 1120 – 19th Street. Letter from Justin Hughes, co-appellant, requesting rehearing of Appeal No. V10-044, Hughes & Manabat vs. ZA, decided Sept. 22, 2010. At that time, the Board voted 3-2 to uphold the denial of the subject Lot Area, Rear Yard and Off-Street Parking Variances (subdivide the subject lot into two individual lots; resulting lots are improved with an existing single-family dwelling on each lot; no construction of any type is proposed); variance case no. 2010.0007V

(5) **APPEAL NO. 10-117**

KRISTEN LYONS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1774 Grove Street. Protesting the issuance on Oct. 12, 2010, to Hiro Kuzumi, Permit to Alter a Building (horizontal addition at existing 4th floor to include new master bath and dressing area, laundry, and roof deck above existing 3rd floor rear roof area). APPLICATION NO. 2010/04/06/9722S. FOR HEARING TODAY.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 10-118**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,240sf of ground floor area). APPLICATION NO. 2008/05/06/1381S. FOR HEARING TODAY.

(6B) **APPEAL NO. 10-119**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	213 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,303sf of ground floor area). APPLICATION NO. 2008/05/06/1387S. FOR HEARING TODAY.

(6C) **APPEAL NO. 10-120**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	203 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,302sf of ground floor area). APPLICATION NO. 2008/05/06/1388S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 07, 2011**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

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order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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LOBBYING ACTIVITY

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contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JAN. 12, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); Barbara Moy, Department of Public Works, Bureau of Street Use and Mapping, (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Tanya Peterson.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ray Hartz spoke about the qualifications of Board members, about a U.S. Court of Appeals decision: Robert Norse v. City of Santa Cruz, et. al., regarding free speech and the immunity of elected officials, about the obligations of attorneys, and whether the Board decides cases fairly.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 15, 2010 minutes.

ACTION: Upon motion by Vice President Goh, the Board voted 4-0-1 (President Peterson absent) to adopt the December 15, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 36 Ashbury Street. Letter from David Tornheim, requestor, asking that the Board take jurisdiction over Wireless Box Permit No. 10WR-0116 issued on Oct. 26, 2010 by the Dept. of Public Works. The appeal period expired on Nov. 10, 2010, and the Jurisdiction Request was received at the Board office on Dec. 01, 2010. Permit Holder: NextG Network Inc.

ACTION: Upon motion by Vice President Goh, the Board voted 4-0-1 (President Peterson absent) to grant the Jurisdiction Request.

SPEAKERS: David Tornheim, requestor; Natasha Ernst, agent for permit holder; Barbara Moy, DPW BSM.

PUBLIC COMMENT: Dick Millet, Gail Mallimson, Chris Houston, Fay Adelstein, Gay Outlaw, Jeff Cooper, Joseph Semprevio, Stepanie Levin spoke in support of the requestor.

(4b) **JURISDICTION REQUEST:**

Subject property at 156 – 27th Avenue. Letter from Jeff & Nicole Cooper, requestors, asking that the Board take jurisdiction over Wireless Box Permit No. 10WR-0021 issued on Sept. 08, 2010 by the Dept. of Public Works. The appeal period expired on Sept. 23, 2010, and the Jurisdiction Request was received at the Board office on Dec. 22, 2010. Permit Holder: NextG Network Inc.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (President Peterson absent) to grant the Jurisdiction Request.

SPEAKERS: Jeff Cooper, requestor; Natasha Ernst, agent for permit holder; Barbara Moy, DPW BSM; Scott Sanchez, ZA.

PUBLIC COMMENT: Pen Callan, Kristie Mohon, David Tornheim and Dick Millet spoke in support of the requestor.

(4c) **REHEARING REQUEST:**

Subject property at 1120 – 19th Street. Letter from Justin Hughes, co-appellant, requesting rehearing of Appeal No. V10-044, Hughes & Manabat vs. ZA, decided Sept. 22, 2010. At that time, the Board voted 3-2 to uphold the denial of the subject Lot Area, Rear Yard and Off-Street Parking Variances (subdivide the subject lot into two individual lots; resulting lots are improved with an existing single-family dwelling on each lot; no construction of any type is proposed); variance case no. 2010.0007V

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Peterson absent) to deny the Rehearing Request.

SPEAKERS: Justin Hughes, requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: Ruth Verlyn Davis, Josephine Cangelosi and Joe Boss spoke in support of the ZA.

(5) **APPEAL NO. 10-117**

KRISTEN LYONS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1774 Grove Street. Protesting the issuance on Oct. 12, 2010, to Hiro Kuzumi, Permit to Alter a Building (horizontal addition at existing 4th floor to include new master bath and dressing area, laundry, and roof deck above existing 3rd floor rear roof area). APPLICATION NO. 2010/04/06/9722S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Peterson absent) to deny the appeal and uphold the permit.

SPEAKERS: Kristen Lyons, appellant; Mark Topetcher, agent for permit holder; Hiro Kuzumi, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 10-118**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,240sf of ground floor area). APPLICATION NO. 2008/05/06/1381S. FOR HEARING TODAY.

(6B) **APPEAL NO. 10-119**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	213 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,303sf of ground floor area). APPLICATION NO. 2008/05/06/1387S. FOR HEARING TODAY.

(6C) **APPEAL NO. 10-120**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	203 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,302sf of ground floor area). APPLICATION NO. 2008/05/06/1388S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Goh, the Board voted 4-0-1 (President Peterson absent) to continue this matter to the Call of the Chair.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Goh adjourned the meeting at 7:55 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JAN. 19, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **ELECTION OF OFFICERS:**

Election of President and Vice President to serve for a one-year term.

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(3) **COMMISSIONER COMMENTS & QUESTIONS:**

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Jan. 12, 2011 minutes.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 10 Lundys Lane. Appeal No. 10-101, Soto vs. DBI, decided Nov. 03, 2010. At that time, the Board voted 3-1-1 to uphold the subject permit on the basis that the construction pre-dates the 1978 Planning Code change, and is a legal non-complying structure. Permit Holder: Sam Ball. Project: revision to BPA No. 2010/03/17/8393; cost savings; revise plans to show rear walls demolished and rebuilt in kind; upon exposing structure the walls were found to be unsalvageable; comply with NOV's; BPA No. 2010/08/27/9763.

(5b) **APPEAL NO. 10-073**

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drugs LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. **Public Hearing held and closed on Oct. 6, 2010. Motion to grant appeal conditioned upon adoption of findings approved on Oct. 13, 2010. Motion to re-open public hearing and receive additional evidence approved on Dec. 15, 2010.** **PUBLIC HEARING FOR FURTHER CONSIDERATION AND POSSIBLE ACTION TODAY to re-consider the merits of the appeal and/or to adopt findings in support of the Oct. 13, 2010 motion.** **Note: Public Comment limited to new material submitted post-Oct. 6, 2010.**

(6) **APPEAL NO. 10-121**

ST. PAUL'S MARKET, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1598 Sanchez Street. Appealing a thirty-five (35) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-41. FOR HEARING TODAY.

(7) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO 10MSE-0373. FOR HEARING TODAY.

(8) **APPEAL NO. 10-124**

OSAMA HADDAD, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Oct. 26, 2010, of Ramp Taxicab Medallion. FOR HEARING TODAY.

(9) **APPEAL NO. 10-123**

MARIO & THERESA MARTINEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	7 Lisbon Street. Appealing the imposition of penalty on Oct. 26, 2010, for construction work done without a permit. APPLICATION NO. 2010/10/26/3786. FOR HEARING TODAY.

(10) **APPEAL NO. 10-097**

CROWN FORTUNE PROPERTIES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 Grant Avenue aka 468 Green Street. Appealing a Notice of Violation and Penalty dated Aug. 17, 2010, addressed to PGB LLC and Crown Fortune Properties, regarding the business professional service use located at the subject property, in violation of the Planning Code. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **Jan. 14, 2011**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
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contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JAN. 19, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW); Dr. Johnson Ojo, Department of Public Health; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ray Hartz spoke about his prior public comment regarding the qualifications of Board members and a related City Attorney opinion. He also spoke about the election of Board officers and his desire for Board members to have an open attitude toward members of the public when they raise issues concerning the operations, policies and procedures of the Board. He spoke about the recommendations made by City agencies appearing before the Board, his perception that the Board members tend to defer to these recommendation, and the impact of this on members of the public.

(2) **ELECTION OF OFFICERS:**

Election of President and Vice President to serve for a one-year term.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to elevate Vice President Goh to the office of President. Upon motion by President Goh, the Board voted 2-3 (Commissioners Fung, Garcia and Peterson dissented) to elevate Commissioner Hwang to the office of Vice President. Lacking the three votes needed to pass, the motion failed. Upon motion by Commissioner Fung, the Board voted 3-2 (President Goh and Commissioner Hwang dissented) to elevate Commissioner Garcia to the office of Vice President.

PUBLIC COMMENT: None.

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Jan. 12, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the January 12, 2011 minutes as revised.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 10 Lundys Lane. Appeal No. 10-101, Soto vs. DBI, decided Nov. 03, 2010. At that time, the Board voted 3-1-1 to uphold the subject permit on the basis that the construction pre-dates the 1978 Planning Code change, and is a legal non-complying structure. Permit Holder: Sam Ball. Project: revision to BPA No. 2010/03/17/8393; cost savings; revise plans to show rear walls demolished and rebuilt in kind; upon exposing structure the walls were found to be unsalvageable; comply with NOV's; BPA No. 2010/08/27/9763.

ACTION: Upon motion by Commissioner Peterson, the Board voted 5-0 to deny the Rehearing Request.

SPEAKERS: John Soto, requestor; Brett Gladstone, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Rachel Chalmers, Mary Lou Cranna, Anna Marjavi and Kristina De Nike spoke in support of the permit holder.

(5b) **APPEAL NO. 10-073**

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drugs LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. **Public Hearing held and closed on Oct. 6, 2010. Motion to grant appeal conditioned upon adoption of findings approved on Oct. 13, 2010. Motion to re-open public hearing and receive additional evidence approved on Dec. 15, 2010.** **PUBLIC HEARING FOR FURTHER CONSIDERATION AND POSSIBLE ACTION TODAY to re-consider the merits of the appeal and/or to adopt findings in support of the Oct. 13, 2010 motion.** **Note: Public Comment limited to new material submitted post-Oct. 6, 2010.**

ACTION: Upon motion by President Goh, the Board voted 5-0 to designate the court reporter's transcript as the official record of this matter. Upon motion by Vice President Garcia, the Board voted 2-3 (President Goh, Commissioner Fung and Commissioner Hwang dissented) to deny the appeal and uphold the permit. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit is upheld as a matter of law.

SPEAKERS: Diana Sam, attorney for permit holder; Colin Dougherty, agent for permit holder; Shaughn Morgan, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: M.J. Isabell, Mohammed Allababidi, Leonor Gomez Trejo, Mark Blackwood, Jennifer Bickers, Oscar Peña and Norma Carrera spoke in support of the appellant.

(6) **APPEAL NO. 10-121**

ST. PAUL'S MARKET, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1598 Sanchez Street. Appealing a thirty-five (35) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-41. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Hwang dissented) to grant the appeal, overrule the DPH and modify the suspension to twenty-five (25) days.

SPEAKERS: Elias Louh, agent for appellant; Dr. Jonson Ojo, DPH.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to continue this matter to March 23, 2011, to allow DPW to research and brief additional questions posed by the Board and to allow the appellant and permit holder to respond.

SPEAKERS: Richard Rabbitt, appellant; Harry O'Brien, attorney for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Jeanne Quock spoke in support of the appellant; Kris Schaeffer spoke in support of the permit holder.

(8) **APPEAL NO. 10-124**

OSAMA HADDAD, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Oct. 26, 2010, of Ramp Taxicab Medallion. FOR HEARING TODAY.

ACTION: Withdrawn prior to hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 10-123**

MARIO & THERESA MARTINEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	7 Lisbon Street. Appealing the imposition of penalty on Oct. 26, 2010, for construction work done without a permit. APPLICATION NO. 2010/10/26/3786. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to grant the appeal, overrule the DBI and reduce the penalty to two-times the regular fee.

SPEAKERS: Tenaya Martinez-Smith, agent for appellants; Mario Martinez, appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 10-097**

CROWN FORTUNE PROPERTIES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 Grant Avenue aka 468 Green Street. Appealing a Notice of Violation and Penalty dated Aug. 17, 2010, addressed to PGB LLC and Crown Fortune Properties, regarding the business professional service use located at the subject property, in violation of the Planning Code. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and overrule the Zoning Administrator, with findings and conditions to be adopted at a later time.

SPEAKERS: Scott Sanchez, ZA; Ron Arlas, attorney for appellant; Santino De Rose, agent for appellant; Janos Gluck, agent for appellant.

PUBLIC COMMENT: Elizabeth Hirama spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 9:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

SPECIAL MEETING - WEDNESDAY, JAN. 26, 2011

SPECIAL START TIME OF 4:30 P.M., CITY HALL, ROOM 416

ITEMS (1A) AND (1B) SHALL BE HEARD TOGETHER:

(1A) **APPEAL NO. 10-128**

EDWIN HARDY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	577 Sanchez Street. Protesting the granting on Nov. 17, 2010, to Antonio Massa, Tree Removal Permit (two trees). ORDER NO. 178,907. FOR HEARING TODAY.

(1B) **APPEAL NO. 10-129**

ANTONIO MASSA & FRED BULLOCK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	577 Sanchez Street. Appealing the conditions placed on a Tree Removal Permit (two trees) on Nov. 17, 2010. ORDER NO. 178,907. FOR HEARING TODAY.

ITEMS (2A) AND (2B) SHALL BE HEARD TOGETHER:

01-21-11P12:43

(2A) **APPEAL NO. 10-130**

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	731 Commercial Street. Appealing a Request for Release of Suspension, dated Nov. 29, 2010, addressed to DBI Director Vivian Day, asking that the suspension against BPA No. 2010/10/21/3529 be lifted because the permit holder has worked with the Planning Department to resolve the issues regarding a proposed drop ceiling. FOR HEARING TODAY.

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(2B) **APPEAL NO. 10-138**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	731-741 Commercial Street. Protesting the issuance on Dec. 01, 2010, to Charity Cultural Service Center, Permit to Alter a Building (revision to approved plan and BPA No. 2010/10/21/3529; setback suspended ceiling four feet minimum from front wall on 739 Commercial Street; no lighting work affected). APPLICATION NO. 2010/11/30/5770. FOR HEARING TODAY.

(3) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(4) **COMMISSIONER COMMENTS & QUESTIONS:**

(5) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 19, 2011 minutes.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the B oard members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 21, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

SPECIAL MEETING - WEDNESDAY, JAN. 26, 2011

SPECIAL START TIME OF 4:30 P.M., CITY HALL, ROOM 416

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Xiomara Velez, Legal Process Clerk.

ABSENT: Commissioner Chris Hwang.

ITEMS (1A) AND (1B) SHALL BE HEARD TOGETHER:

(1A) **APPEAL NO. 10-128**

EDWIN HARDY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	577 Sanchez Street. Protesting the granting on Nov. 17, 2010, to Antonio Massa, Tree Removal Permit (two trees). ORDER NO. 178,907. FOR HEARING TODAY.

(1B) **APPEAL NO. 10-129**

ANTONIO MASSA & FRED BULLOCK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	577 Sanchez Street. Appealing the conditions placed on a Tree Removal Permit (two trees) on Nov. 17, 2010. ORDER NO. 178,907. FOR HEARING TODAY.

ACTION FOR APPEAL NO. 10-128: Upon motion by Vice President Garcia, the Board voted 3-1-1 (President Goh dissented, Commissioner Hwang absent) to deny the appeal and uphold the department.

ACTION FOR APPEAL NO. 10-129: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and condition the permit so that (a) there is an in-lieu fee charged for the removal of the street tree; and (b) the size and species of the replacement tree for the significant tree being removed be at the discretion of DPW.

SPEAKERS: Ed Hardy, appellant in Appeal No. 10-128; Suhiel Shatara, agent for appellant Hardy; Roy Leggit, agent for appellant Hardy; Phil Jaret, attorney for appellant Hardy; Fred Bullock, permit holder and appellant in Appeal No. 10-129; Antonio Massa, permit holder and appellant in Appeal No. 10-129; Rashid Jaffar, agent for permit holders; Carla Short, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: Joanna Nelson spoke in support of appellant Hardy. Carla Anisman spoke in support of the permit holders.

ITEMS (2A) AND (2B) SHALL BE HEARD TOGETHER:

(2A) **APPEAL NO. 10-130**

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	731 Commercial Street. Appealing a Request for Release of Suspension, dated Nov. 29, 2010, addressed to DBI Director Vivian Day, asking that the suspension against BPA No. 2010/10/21/3529 be lifted because the permit holder has worked with the Planning Department to resolve the issues regarding a proposed drop ceiling. FOR HEARING TODAY.

(2B) **APPEAL NO. 10-138**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	731-741 Commercial Street. Protesting the issuance on Dec. 01, 2010, to Charity Cultural Service Center, Permit to Alter a Building (revision to approved plan and BPA No. 2010/10/21/3529; setback suspended ceiling four feet minimum from front wall on 739 Commercial Street; no lighting work affected). APPLICATION NO. 2010/11/30/5770. FOR HEARING TODAY.

ACTION FOR APPEAL NO. 10-130: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and allow the Release of Suspension on the condition that the suspended ceiling be removed from the scope of work.

ACTION FOR APPEAL NO. 10-138: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and deny the permit.

SPEAKERS: Jason Bley, appellant; Scott Sanchez, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: Howard Wong spoke in support of the appellant.

(3) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(4) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(5) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 19, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the January 19, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 5:55 p.m.

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Last Week

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NO BOA MEETING ON FEB. 02, 2011

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, January 28, 2011 4:16 PM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org; Laurence.Kornfield@sfgov.org; Vivian.Day@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for Feb. 02, 2011. The next regular meeting is scheduled for WEDNESDAY, FEB. 09, 2011, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Jan. 28, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEB. 09, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Jan. 19, 2011 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 2350 Broadway. Letter from John Sanger, attorney for Adam Rubinson, requestor, asking that the Board take jurisdiction over BPA No. 2010/09/27/1718, which was issued on Nov. 15, 2010. The appeal period ended on Nov. 30, 2010, and the jurisdiction request was received at the Board office on Jan. 12, 2011. Permit Holder: Michael Bykhovsky. Project: complete interior renovation; replace in-kind all exterior street façade windows with new insul units to match; infill east light well at 3rd and 4th floors; excavate basement/crawl for new basement floor at rear; remodel all floors; provide new interior stairs; new skylights at roof.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 2139 Taraval Street. Appeal Nos. 10-105/106, Canaan Tutoring Center Service & Chinese Gospel Church vs. DBI, PDA, decided Nov. 17, 2010. At that time, the Board voted 4-0-1 to revoke the subject permit with adoption of findings at a later time. Permit Holder: Greg Schoepp. Project: new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations; BPA No. 2009/12/03/2572.

(5) **APPEAL NO. 10-094**

GERMAN SINITSYN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Aug. 16, 2010, of Regular Taxi Medallion. PUBLIC HEARING HELD AND CLOSED ON OCT. 20, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for parties to submit additional info pursuant to the Board's comments; additional briefing is allowed.**

(6) **APPEAL NO. 10-135**

MAKANNA ASKANDAFI dba " PEARL MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1201 Divisadero Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-54. FOR HEARING TODAY.

(6a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

MAKANNA ASKANDAFI dba "PEARL MARKET" vs. DEPT. OF PUBLIC HEALTH

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.

- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.

- Reconvene in Open Session:

iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

iv) No action will be taken during closed session.

(7) **APPEAL NO. 10-132**

CBS OUTDOOR INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1468 Folsom Street. Protesting the issuance on Nov. 24, 2010, to Bay Community Housing LP, Permit to Alter a Building (removal of 14' X 23' general advertising wall sign per DCP NOV). APPLICATION NO. 2010/10/13/2815. FOR HEARING TODAY.

(8) **APPEAL NO. 10-136**

VIRGINIA RAMOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3175 – 24th Street. Protesting the issuance on Dec. 14, 2009, Permit to Alter a Building (voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached). APPLICATION NO. 2009/11/12/1004. JURISDICTION GRANTED DEC. 08, 2010. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; and 4) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 04, 2011**

MEMBERS OF THE BOARD OF APPEALS

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MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
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TANYA PETERSON	COMMISSIONER

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEB. 09, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Dan Sider, Senior Planner, Planning Department (PD); Scott Sanchez, Zoning Administrator (ZA); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Dr. Johson Ojo, Department of Public Health; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Peterson announced that she may have to miss the March 9, 2011 meeting. Vice President Garcia announced that he also may have to miss the March 9, 2011 meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Jan. 26, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the January 26, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 2350 Broadway. Letter from John Sanger, attorney for Adam Rubinson, requestor, asking that the Board take jurisdiction over BPA No. 2010/09/27/1718, which was issued on Nov. 15, 2010. The appeal period ended on Nov. 30, 2010, and the jurisdiction request was received at the Board office on Jan. 12, 2011. Permit Holder: Michael Bykhovsky. Project: complete interior renovation; replace in-kind all exterior street façade windows with new insul units to match; infill east light well at 3rd and 4th floors; excavate basement/crawl for new basement floor at rear; remodel all floors; provide new interior stairs; new skylights at roof.

ACTION: WITHDRAWN BY REQUESTOR.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 2139 Taraval Street. Appeal Nos. 10-105/106, Canaan Tutoring Center Service & Chinese Gospel Church vs. DBI, PDA, decided Nov. 17, 2010. At that time, the Board voted 4-0-1 to revoke the subject permit with adoption of findings at a later time. Permit Holder: Greg Schoepp. Project: new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations; BPA No. 2009/12/03/2572.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to adopt the findings as amended: deleting paragraph 4(f) and revising paragraph 4(h).

SPEAKERS: Derrick St. Pierre, attorney for permit holder; Russell Davis, attorney for appellant Chinese Gospel Church; Ross Moody, agent for appellant, Canaan Tutoring Center; Scott Sanchez, ZA.

PUBLIC COMMENT: Ed Breslin, Shona Gochenan, Denise Dorey, Kerrigan Logan, Timothy Hawkins, Theresa Cooper, Michael Goldman, Gregory Ledbetter, Evan Cross, Mat Leroy, Albert Blais, John Stone, Henry J.W., Jonathan Beaver, Cora Glenn, Christine Moyer, Paul Hansbury, Mike Pearson, Mike Hinkle, Elliott Wright, Jeffrey Dupuis, Jae Sohn, Lamar Marshall, Dominique Jones and Andrew Kushibiki spoke in support of the permit holder.

(5) **APPEAL NO. 10-094**

GERMAN SINITSYN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Aug. 16, 2010, of Regular Taxi Medallion. PUBLIC HEARING HELD AND CLOSED ON OCT. 20, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for parties to submit additional info pursuant to the Board's comments; additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (President Goh and Commissioner Hwang dissented) to grant the appeal, overrule the department and direct MTA to issue the medallion, with findings to be adopted at a later time. Lacking the four votes needed to pass, the motion failed. With no further motion made, the departmental determination was upheld as a matter of law.

SPEAKERS: Jarvis Murray, MTA DTAS; German Sinitsyn, appellant.

PUBLIC COMMENT: Martin Smith spoke in support of the appellant.

(6) **APPEAL NO. 10-135**

MAKANNA ASKANDAFI dba " PEARL MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1201 Divisadero Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-54. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 5-0 to reschedule this matter to February 16, 2011.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

MAKANNA ASKANDAFI dba "PEARL MARKET" vs. DEPT. OF PUBLIC HEALTH
Open Session:
Public Comment (on all matters pertaining to the closed session item)
- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.
- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.
- Reconvene in Open Session:
iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
iv) No action will be taken during closed session.

ACTION: Upon motion by President Goh, the Board voted 5-0 to reschedule the matter to February 16, 2011.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 10-132**

CBS OUTDOOR INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1468 Folsom Street. Protesting the issuance on Nov. 24, 2010, to Bay Community Housing LP, Permit to Alter a Building (removal of 14' X 23' general advertising wall sign per DCP NOV). APPLICATION NO. 2010/10/13/2815. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Garcia and Commissioner Peterson dissented) to deny the appeal and uphold the department on the basis that the permit complies with the Planning and Building Codes and the department did not err in issuing it.

SPEAKERS: Anthony Leones, attorney for appellant; Dan Sider, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 10-136**

VIRGINIA RAMOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3175 – 24th Street. Protesting the issuance on Dec. 14, 2009, Permit to Alter a Building (voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached). APPLICATION NO. 2009/11/12/1004. JURISDICTION GRANTED DEC. 08, 2010. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 2-3 (President Goh, Commissioner Fung and Commissioner Hwang dissented) to grant the appeal and overturn the department with findings to be adopted at a later time. Lacking the four votes needed to pass, the motion failed. With no further motion made, the departmental determination was upheld as a matter of law.

SPEAKERS: Jana Farrell, agent for appellant; Anthony Leones, attorney for permit holder; Dan Sider, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:40 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEB. 16, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

11-11AM10:49 RCVD

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the Feb. 09, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1269 Lombard Street. Letter from F. Joseph Butler, co-appellant, requesting rehearing of Appeal No. V10-110, Horvers & Butler vs. ZA, decided Dec. 15, 2010. At that time, the Board voted 4-1 to uphold the granting of the Front Setback and Rear Yard Variances (demolish existing two-story single-family building and construct two new buildings at front and rear of lot); variance case no. 2009.0443V. Variance Holder: Tom Burwell.

(4b) **REHEARING REQUEST:**

Subject property at 281 Turk Street. Letter from Shaughn Morgan, agent for Housing Corps. Inc., appellant, requesting rehearing of Appeal No. 10-073, decided Jan. 19, 2011. At that time, the Board voted 2-3 to uphold the permit. Four (4) votes being required to overturn any departmental action, the subject permit was upheld. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975.

(5) APPEAL NO. 10-076

RAYMOND BERRIOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	750 Andover Street. Protesting the issuance on July 02, 2010, to Jose Berrios, Electrical Permit (one circuit – rear yard compressor). APPLICATION NO. E2010/07/02/8548. PUBLIC HEARINGS HELD AND CLOSED ON OCT. 06, 2010 AND DEC. 15, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the permit holder to conduct additional acoustical tests, and to review all permit issues; additional briefing is allowed.**

(6) APPEAL NO. 10-135

MAKANNA ASKANDAFI dba " PEARL MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1201 Divisadero Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-54. FOR HEARING TODAY.

(6a) CLOSED SESSION (anticipated to last no more than 10 minutes):

MAKANNA ASKANDAFI dba "PEARL MARKET" vs. DEPT. OF PUBLIC HEALTH

Open Session:

Public Comment (on all matters pertaining to the closed session to follow)

- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.

- ii) Closed Session to review confidential identification cards and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.

- Reconvene in Open Session:

iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

iv) No action will be taken during closed session.

(7) **APPEAL NO. 10-140**

PEI XIA FUNG dba "VARIETY CONVENIENCE STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1546 Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-48. FOR HEARING TODAY.

(8) **APPEAL NO. 10-141**

ABDELHALIM FADI dba "HOUSE OF CIGARETTES" Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	912 Geneva Avenue. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-49. FOR HEARING TODAY.

(8a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

ABDELHALIM FADI dba "HOUSE OF CIGARRETTES vs. DPH

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.

- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.

- Reconvene in Open Session:

iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

iv) No action will be taken during closed session.

(9) **APPEAL NO. 10-142**

"JACK'S MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	471 – 3rd Street. Appealing twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-50. FOR HEARING TODAY.

(10) **APPEAL NO. 10-144**

DAVID GLEBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3975 – 19th Street. Protesting the issuance on Dec. 20, 2010, to Lars Dalgard, Permit to Alter a Building (new roof deck including new stair and stair structure; new east balcony; new sliding door at Unit 2 / 4th floor and transom; new window and door at Unit 2 / 3rd floor). APPLICATION NO. 2010/05/28/3502S. FOR HEARING TODAY.

(11) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the departmental budget for fiscal year 2011-2012 which begins on July 01, 2011 and ends on June 30, 2012.

ADJOURNMENT.

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Date posted: **February 11, 2011**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEB. 16, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator; Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; and Xiomara Velez, Legal Process Clerk.

ABSENT: Commissioner Chris Hwang.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Goh announced she will be absent from the Board meetings on June 15 and 29, and July 13. Vice President Garcia announced he will be absent from the April 6 meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Feb. 09, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the February 9, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1269 Lombard Street. Letter from F. Joseph Butler, co-appellant, requesting rehearing of Appeal No. V10-110, Horvers & Butler vs. ZA, decided Dec. 15, 2010. At that time, the Board voted 4-1 to uphold the granting of the Front Setback and Rear Yard Variances (demolish existing two-story single-family building and construct two new buildings at front and rear of lot); variance case no. 2009.0443V. Variance Holder: Tom Burwell.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (President Goh dissented and Commissoner Hwang absent) to deny the request.

SPEAKERS: Joseph Butler, requestor; Brett Gladstone, attorney for variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Carol Ann Rogers spoke in support of the variance holder.

(4b) **REHEARING REQUEST:**

Subject property at 281 Turk Street. Letter from Shaughn Morgan, agent for Housing Corps. Inc., appellant, requesting rehearing of Appeal No. 10-073, decided Jan. 19, 2011. At that time, the Board voted 2-3 to uphold the permit. Four (4) votes being required to overturn any departmental action, the subject permit was upheld. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to designate the court reporter's transcript as the official record of this hearing. Upon further motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to reschedule this matter to March 9, 2011. Additional briefing is allowed at five pages, appellant's brief is due two Thursdays prior to the hearing and permit holder's brief is due one Thursday prior to the hearing.

SPEAKERS: David Waggoner, attorney for requestor; Diana Sam, attorney for permit holder.

PUBLIC COMMENT: Sunny Angulo spoke in support of the appellant.

(5) **APPEAL NO. 10-076**

RAYMOND BERRIOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	750 Andover Street. Protesting the issuance on July 02, 2010, to Jose Berrios, Electrical Permit (one circuit – rear yard compressor). APPLICATION NO. E2010/07/02/8548. PUBLIC HEARINGS HELD AND CLOSED ON OCT. 06, 2010 AND DEC. 15, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the permit holder to conduct additional acoustical tests, and to review all permit issues; additional briefing is allowed.**

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and deny the permit.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 10-135**

MAKANNA ASKANDAFI dba " PEARL MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1201 Divisadero Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-54. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the department.

SPEAKERS: Basih Askandafi, agent for appellant; Mohsin Almosewi, agent for appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(6a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

MAKANNA ASKANDAFI dba "PEARL MARKET" vs. DEPT. OF PUBLIC HEALTH
Open Session:
Public Comment (on all matters pertaining to the closed session item)
- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.
- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.
- Reconvene in Open Session:
iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
iv) No action will be taken during closed session.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to convene in closed session. Upon further motion by Vice President Garcia, the Board voted 4-0-1 to not disclose the contents of the closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 10-140**

PEI XIA FUNG dba "VARIETY CONVENIENCE STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1546 Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-48. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to accept a supplemental declaration from DPH. Upon further motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and modify the suspension to 15 days.

SPEAKERS: Pei Xia Fung, appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 10-141**

ABDELHALIM FADI dba "HOUSE OF CIGARETTES", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	912 Geneva Avenue. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-49. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and modify the suspension to 20 days.

SPEAKERS: Sherry Gendelman, attorney for appellant; Abdelhalim Fadi, appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(8a) **CLOSED SESSION (anticipated to last no more than 10 minutes):**

ABDELHALIM FADI dba "HOUSE OF CIGARRETTES vs. DPH

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.

- ii) Closed Session to review confidential identification card and confidential photographs and evidence pertaining to the undercover minor decoy used in this matter.

- Reconvene in Open Session:

iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

iv) No action will be taken during closed session.

ACTION: The Board did not convene in closed session.

(9) **APPEAL NO. 10-142**

"JACK'S MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	471 – 3rd Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-50. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and modify the suspension to 20 days.

SPEAKERS: Christie Mohammed, agent for appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 10-144**

DAVID GLEBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3975 – 19th Street. Protesting the issuance on Dec. 20, 2010, to Lars Dalgaard, Permit to Alter a Building (new roof deck including new stair and stair structure; new east balcony; new sliding door at Unit 2 / 3rd floor and transom; new window and door at Unit 2 / 3rd floor). APPLICATION NO. 2010/05/28/3502S. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and condition the permit on the settlement letter submitted by the appellant and permit holder dated February 9, 2011.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the departmental budget for fiscal year 2011-2012 which begins on July 01, 2011 and ends on June 30, 2012.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the proposed budget for fiscal year 2011-2012.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:25 p.m.

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Agenda for Post...

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Nicole.... 10:...
Re: Youth Com...

Victor.Y... 9:49...
Budget and Fina...

Richard ... 9:43...
Meeting Sign Er...

Shana M... 9:33...
RE: Meeting Pos...

Richard ... 9:22...
Meeting Posting

Vaugh... 9:1...
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Linda Mj... 9:01...
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Monica.... 8:41...
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Yesterday

Mario.Y... Thu ...
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Marissa ... Thu ...
AIRPORT COMM...

Crystal... Thu ...
Entertainment C...

Alvin.M... Thu ...
Re: CANCELLED...

Louise ... Thu ...
Posting the HSC. .

Nikole.F... Thu ...
APPROVED MIN...

William... Thu ...
PLEASE POST: ...

Crystal... Thu ...
Entertainment C...

NOTICE OF NO MEETINGS

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, February 18, 2011 11:25 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Dan.Sider@sfgov.org; Edward.Sweeney@sfgov.org; Laurence.Kornfield@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED meetings for Feb. 23, 2011 or March 02, 2011. The next regular meeting is scheduled for WEDNESDAY, MARCH 09, 2011, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Feb. 18, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 09, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**:

(3) **ADOPTION OF MINUTES**:

Discussion and possible adoption of the February 16, 2011 minutes.

(4) **ADDENDUM ITEMS**:

(4a) **JURISDICTION REQUEST**:

Subject property at 415 Oxford Street. Letter from Charlene Chan, requestor, asking that the Board take jurisdiction over BPA No. 2010/02/12/6512S, which was issued on Dec. 03, 2010. The appeal period ended Dec. 20, 2010, and the jurisdiction request was received at the Board office on Feb. 02, 2011. Permit Holder: Bill Chan. Project: vertical and horizontal addition; remove illegal unit at ground floor; add full bath and exercise room at ground floor; interior remodel; new roof deck at 2nd floor; add new 3rd floor.

(4b) **JURISDICTION REQUEST:**

Subject property at 1338 Filbert Street. Letter from Susan Brandt-Hawley, attorney for Jerry DeMartini, requestor, asking that the Board allow the filing of appeals against BPA Nos. 2008/10/27/5223, 2010/09/27/1690, and 2010/09/27/1691, which were all issued on Jan. 31, 2011, and all were determined to be issued pursuant to a Conditional Use (CU) authorization and thus un-appealable under the City Charter. Permit Holders: Dominique Lahaussois and David Low. Project, 1st permit: parking garage only; two duplexes above under separate permit. Project, 2nd permit: renovation and remodel of two existing landmark cottages and an artist studio. Project, 3rd permit: renovation and remodel of two existing landmark cottages.

(4c) **JURISDICTION REQUEST:**

Subject property at 1566-1568 Haight Street aka 1576-1580 Haight Street. Letter from Brian Molony, agent for Martin Mack's Bar & Restaurant, requestor, asking that the Board take jurisdiction over a Notice of Violation & Penalty issued by the Zoning Administrator on Aug. 24, 2009. The appeal period ended on Sept. 08, 2009, and the jurisdiction request was filed at the Board office on Feb. 16, 2011. NOV & P: illegal expansion of restaurant and bar space without the required Conditional Use (CU) authorization, and violation of the conditions of approval from a previous CU authorization.

(4d) **REHEARING REQUEST:**

Subject property at 281 Turk Street. Letter from Shaughn Morgan, agent for Housing Corps. Inc., appellant, requesting rehearing of Appeal No. 10-073, decided Jan. 19, 2011. At that time, the Board voted 2-3 to uphold the permit. Four (4) votes being required to overturn any departmental action, the subject permit was upheld. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975.

(4e) **JURISDICTION REQUEST:**

Subject property at 2601 Van Ness Avenue. Letter from Terry Tong, agent for LF George Construction Corp., requestor, asking that the Board take jurisdiction over the denial of BPA No. 9816040. The Notice of Disapproval from the DBI was dated Feb. 03, 2011; the appeal period lapsed on Feb. 18, 2011; and the Jurisdiction Request was received at the Board office on Feb. 25, 2011. Project: erect a six-story, 27-unit residential building with commercial space.

(5) **APPEAL NO. 10-103**

STEVEN CURRIER & KENNETH KALANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	116 Drake Street. Appealing the denial on Sept. 08, 2010, of Tree Removal Permit (one tree), and the conditions placed on a Tree Removal Permit (one tree). ORDER NO. 178,815. FOR HEARING TODAY.

(6) **APPEAL NO. 11-017**

BETHANY METHODIST UNITED CHURCH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1270 Sanchez Street. Appealing the denial on Feb. 07, 2011, of Tree Removal Permit (9 trees). ORDER NO. 179,097. FOR HEARING TODAY.

(7) **APPEAL NO. 10-122**

FARHAD GOLSHAN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Oct. 18, 2010, of Taxicab Medallion No. 871. FOR HEARING TODAY.

(8) **APPEAL NO. 11-002**

RICHARD ARVIN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Dec. 23, 2010, of Taxicab Medallion No. 997. FOR HEARING TODAY.

(9) **APPEAL NO. 10-108**

RICHARD & CHER ZILLMAN, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent	280 Divisadero Street. Appealing the denial on Sept. 01, 2010, of Certificate of Appropriateness (convert carriage house at rear of subject property to residential unit). CASE NO. 2008.0312A. FOR HEARING TODAY.

(10) **APPEAL NO. 10-115**

SARAH SOBEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	134-136 Ord Street. Protesting the issuance on Oct. 05, 2010, to John Moroney, Permit to Erect a Building (two-story, single-family house with 1,118sf of ground floor area). APPLICATION NO. 2009/07/14/2604S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; and 4) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 04, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 09, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Tim Frye, Acting Preservation Coordinator, Historic Preservation Commission (HPC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Xiomara Velez, Legal Process Clerk.

ABSENT: Commissioner Tanya Peterson.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 16, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to adopt the February 16, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 415 Oxford Street. Letter from Charlene Chan, requestor, asking that the Board take jurisdiction over BPA No. 2010/02/12/6512S, which was issued on Dec. 03, 2010. The appeal period ended Dec. 20, 2010, and the jurisdiction request was received at the Board office on Feb. 02, 2011. Permit Holder: Bill Chan. Project: vertical and horizontal addition; remove illegal unit at ground floor; add full bath and exercise room at ground floor; interior remodel; new roof deck at 2nd floor; add new 3rd floor.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to March 23, 2011 to allow the parties time to discuss settlement.

SPEAKERS: Charlene Chan, requestor; Alex Nie, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST:**

Subject property at 1338 Filbert Street. Letter from Susan Brandt-Hawley, attorney for Jerry DeMartini, requestor, asking that the Board allow the filing of appeals against BPA Nos. 2008/10/27/5223, 2010/09/27/1690, and 2010/09/27/1691, which were all issued on Jan. 31, 2011, and all were determined to be issued pursuant to a Conditional Use (CU) authorization and thus un-appealable under the City Charter. Permit Holders: Dominique Lahaussois and David Low. Project, 1st permit: parking garage only; two duplexes above under separate permit. Project, 2nd permit: renovation and remodel of two existing landmark cottages and an artist studio. Project, 3rd permit: renovation and remodel of two existing landmark cottages.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to March 16, 2011, to allow the parties time to submit additional information on whether or not the permits at issue are for a project that has received a license or permit pursuant to the Conditional Use Authorization.

SPEAKERS: Susan Brandt-Hawley, attorney for requestor; Andrew Junius, attorney for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4c) **JURISDICTION REQUEST:**

Subject property at 1566-1568 Haight Street aka 1576-1580 Haight Street. Letter from Brian Molony, agent for Martin Mack's Bar & Restaurant, requestor, asking that the Board take jurisdiction over a Notice of Violation & Penalty issued by the Zoning Administrator on Aug. 24, 2009. The appeal period ended on Sept. 08, 2009, and the jurisdiction request was filed at the Board office on Feb. 16, 2011. NOV & P: illegal expansion of restaurant and bar space without the required Conditional Use (CU) authorization, and violation of the conditions of approval from a previous CU authorization.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to grant the request.

SPEAKERS: Brian Molony, agent for requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(4d) **REHEARING REQUEST:**

Subject property at 281 Turk Street. Letter from Shaughn Morgan, agent for Housing Corps. Inc., appellant, requesting rehearing of Appeal No. 10-073, decided Jan. 19, 2011. At that time, the Board voted 2-3 to uphold the permit. Four (4) votes being required to overturn any departmental action, the subject permit was upheld. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to designate the court reporter's transcript as the official record of the hearing on this matter. Upon further motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to March 23, 2011 to allow Commissioner Peterson to participate in the final vote.

SPEAKERS: David Wagoner, attorney for requestor; Diana Sam, attorney for permit holder.

PUBLIC COMMENT: Supervisor Jane Kim, Mary McNamara, Mark Blackwood, Leonor Gomez Trejo, Jennifer Bickers, Murry Richard, Maria Torres, Mayra Alvarengo, Pilar Avila, Michael Nulty, Magdalena Macias, Barbara Lopez, Rosanna Alonzo and Rosanna Reyes spoke in support of the requestor.

(4e) **JURISDICTION REQUEST:**

Subject property at 2601 Van Ness Avenue. Letter from Terry Tong, agent for LF George Construction Corp., requestor, asking that the Board take jurisdiction over the denial of BPA No. 9816040. The Notice of Disapproval from the DBI was dated Feb. 03, 2011; the appeal period lapsed on Feb. 18, 2011; and the Jurisdiction Request was received at the Board office on Feb. 25, 2011. Project: erect a six-story, 27-unit residential building with commercial space.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Peterson absent) to deny the request.

SPEAKERS: Scott Sanchez, ZA; Terry Tong, agent for requestor.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-103**

STEVEN CURRIER & KENNETH KALANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	116 Drake Street. Appealing the denial on Sept. 08, 2010, of Tree Removal Permit (one tree), and the conditions placed on a Tree Removal Permit (one tree). ORDER NO. 178,815. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 1-3-1 (Vice President Garcia, Commissioner Fung and Commissioner Hwang dissented; Commissioner Peterson absent) to deny the appeal and uphold the DPW order. Lacking the three votes needed to pass, the motion failed. Upon further motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Peterson absent) to grant the appeal and overturn the department on the condition that (a) the two trees be replaced with three trees, unless DPW determines that a third tree is not feasible in which case the appellants will pay an in-lieu fee for the third tree; (b) that a Notice of Special Restrictions be filed requiring that, in perpetuity, any trees that fail be replaced and no in-lieu fee be allowed.

SPEAKERS: Steven Currier, appellant; Kenneth Kalani, appellant; Carla Short, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-017**

BETHANY METHODIST UNITED CHURCH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1270 Sanchez Street. Appealing the denial on Feb. 07, 2011, of Tree Removal Permit (9 trees). ORDER NO. 179,097. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to grant the appeal and modify the DPW order to allow the removal of tree #3, requiring that a replacement tree be planted, and with the species, location and size of the replacement tree to be determined by DPW.

SPEAKERS: John Nelson, agent for appellant; Sean Martino, agent for appellant; James Lascot, agent for appellant; Carla Short, DPW.
PUBLIC COMMENT: Paula Thompson spoke in support of the appellant.

(7) **APPEAL NO. 10-122**

FARHAD GOLSHAN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Oct. 18, 2010, of Taxicab Medallion No. 871. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to reschedule the matter to May 11, 2011 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 11-002**

RICHARD ARVIN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Dec. 23, 2010, of Taxicab Medallion No. 997. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to March 23, 2011, to allow the parties time to propose alternate penalties for the Board to consider and to discuss settlement.

SPEAKERS: Ray Alexander, attorney for appellant; Jarvis Murray, SFMTA, DTAS

PUBLIC COMMENT: None.

(9) **APPEAL NO. 10-108**

RICHARD & CHER ZILLMAN, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent	280 Divisadero Street. Appealing the denial on Sept. 01, 2010, of Certificate of Appropriateness (convert carriage house at rear of subject property to residential unit). CASE NO. 2008.0312A. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to May 11, 2011 to allow time for the parties to further explore whether an agreement may be reached on a compromise design.

SPEAKERS: Brett Gladstone, attorney for appellants; Richard Zillman, appellant; Tim Frye, HPC; Scott Sanchez, ZA.

PUBLIC COMMENT: Janan New, Christopher Buckley, John Barbey, Tommy Cassellani, Rita Archibald, Robert Speer, Ellen Dudley, Jim Siegel, Dennis Drobisch, Donald Stroh, Angela Scott, Bliss Dennen, Lisa Zahner, Skeeter Jones, Ansel Witterstern, Jim Warshell and Roger Reid spoke in support of the appellants.

(10) **APPEAL NO. 10-115**

SARAH SOBEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	134-136 Ord Street. Protesting the issuance on Oct. 05, 2010, to John Moroney, Permit to Erect a Building (two-story, single-family house with 1,118sf of ground floor area). APPLICATION NO. 2009/07/14/2604S. FOR HEARING TODAY.

WITHDRAWN BY APPELLANT.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 11:25 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 16, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 09, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 1400 Grant Avenue aka 468 Green Street. Appeal No. 10-097, Crown Fortune Properties vs. Zoning Administrator, decided January 19, 2011. At that time, the Board voted 5-0 to grant the appeal and overrule the Zoning Administrator with the adoption of findings at a later time. Subject Action: Notice of Violation and Penalty dated Aug. 17, 2010, addressed to PGB LLC and Crown Fortune Properties, regarding the business professional service use located at the subject property, in violation of the Planning Code.

(4b) **JURISDICTION REQUEST:**

Subject property at 1338 Filbert Street. Letter from Susan Brandt-Hawley, attorney for Jerry DeMartini, requestor, asking that the Board allow the filing of appeals against BPA Nos. 2008/10/27/5223, 2010/09/27/1690, and 2010/09/27/1691, which were all issued on Jan. 31, 2011, and all were determined to be issued pursuant to a Conditional Use (CU) authorization and thus un-appealable under the City Charter. Permit Holders: Dominique Lahaussois and David Low. Project, 1st permit: parking garage only; two duplexes above under separate permit. Project, 2nd permit: renovation and remodel of two existing landmark cottages and an artist studio. Project, 3rd permit: renovation and remodel of two existing landmark cottages. **NOTE: Public hearing held on March 9, 2010; matter continued to allow for the submittal of additional evidence.**

(4c) **REHEARING REQUESTS:**

Subject property at 2139 Taraval Street. Letter from Derek St. Pierre, attorney for Greg Schoepp, permit holder, requesting rehearing of Appeal Nos. 10-105/106. On Nov. 17, 2010, the Board voted 4-0-1 to revoke the subject permit, and on Feb. 09, 2011, the Board voted 5-0 to adopt findings with amendments. Appellants: Canaan Tutoring Center Service, and Chinese Gospel Church. Project: new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations; BPA No. 2009/12/03/2572.

(4d) **REHEARING REQUEST:**

Subject property at 3175 – 24th Street. Letter from Jana Farrell, agent for Virginia Ramos, appellant, requesting rehearing of Appeal No. 10-136, decided Feb. 09, 2011. At that time, the Board voted 2-3 to grant the appeal, overturn the department, with adoption of findings at a later time. Four votes being required to overturn or modify any departmental action under the City Charter, the departmental action to issue the subject permit was upheld. Requestor of Permit: CBS Outdoor Inc.. Project: voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached; BPA No. 2009/11/12/1004.

(4e) **REHEARING REQUESTS:**

Subject property at 1468 Folsom Street. Letter from Sean Marciniak, attorney for CBS Outdoor Inc., appellant, and a letter from Guerrero Espinoza, agent for Bay Community Housing LP, permit holder, requesting rehearing of Appeal No. 10-132, decided Feb. 09, 2011. At that time, the Board voted 3-2 to uphold the permit on the basis that it complies with the Code, and the City did not err in issuing said permit. Project: removal of 14' X 23' general advertising wall sign per DCP NOV; BPA No. 2010/10/13/2815.

(4f) **JURISDICTION REQUEST:**

Subject property at 3206 Jackson Street. Letter from George Chan, requestor, asking that the Board take jurisdiction of BPA No. 2010/10/06/2397, which was issued on Jan. 04, 2011. The appeal period ended on Jan. 19, 2011, and the Jurisdiction Request was received at the Board office on Feb. 28, 2011. Permit Holders: Renu Agrawal and David Weber. Project: replace front/rear shingles with stucco; replace windows and modify openings; widen garage door; modify entry stairs; new deck railings; replace sliding glass doors and modify opening; infill deck area and foyer; add bedroom; relocate legal bathroom; remodel kitchen; relocate powder room; remodel master and staircase; add flat skylite.

(5) **APPEAL NO. 11-003**

MISSION DOLORES CITIZENS FOR HEALTHY TREES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent Requestor of Permit: HOUSING AUTHORITY	1855 – 15th Street. Appealing the denial on Jan. 03, 2011, of Tree Removal Permit (four trees). ORDER NO. 179,025. FOR HEARING TODAY.

(6) **APPEAL NO. 11-004**

JEFF & NICOLE COOPER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	156 – 27th Avenue. Protesting the issuance on Sept. 08, 2010, to NextG Network Inc., Wireless Box Permit. PERMIT NO. 10WR-0021. JURISDICTION GRANTED JAN. 12, 2011. FOR HEARING TODAY.

(7) **APPEAL NO. 11-005**

DAVID TORNHEIM, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	36 Ashbury Street. Protesting the issuance on Oct. 26, 2010, to NextG Network Inc., Wireless Box Permit. PERMIT NO. 10WR-0116. JURISDICTION GRANTED JAN. 12, 2011. FOR HEARING TODAY.

ITEMS (8A), (8B) AND (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 11-007**

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Jan. 20, 2011, to Mary Galvin, Permit to Alter a Building (comply with NOV's; replace skylights; new gutters and downspouts; replace broken windows; replace rear patio doors; misc. siding repair; mold remediation at basement level; removal of sheetrock). APPLICATION NO. 2011/01/20/8698. FOR HEARING TODAY.

(8B) **APPEAL NO. 11-008**

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Jan. 20, 2011, to Mary Galvin, Permit to Alter a Building (re-roofing of existing roof areas less dormer). APPLICATION NO. 2011/01/20/8701. FOR HEARING TODAY.

(8C) **APPEAL NO. 11-020**

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Feb. 09, 2011, to Mary Galvin, Plumbing Permit (replace shower and sink of the same kind). APPLICATION NO. PP2011/02/09/927. FOR HEARING TODAY.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 11-010**

DEAN PRESTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	401 Divisadero Street. Protesting the issuance on Jan. 10, 2011, to John Brennan, Permit to Alter a Building (Chase Bank; install 8 awnings; signs under separate permit). APPLICATION NO. 2010/12/29/7555. FOR HEARING TODAY.

(9B) **APPEAL NO. 11-011**

DEAN PRESTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	401 Divisadero Street. Protesting the issuance on Jan. 10, 2011, to John Brennan, Permit to Alter a Building (Chase Bank; revision to BPA No. 2010/10/18/3214; includes window and brick wainscotting modifications; revised floor heights and associated ramp; revised entry and structural revisions for door and ATM openings). APPLICATION NO. 2011/01/07/8051. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; and 4) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 11, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the

pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force

Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 16, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Tom Venizelos, Senior Building Inspector, (DBI); Dan Sider, Senior Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); John Kwong, Permit Manager, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Cynthia Goldstein, Executive Director; Xiomara Velez, Legal Process Clerk.

ABSENT: President Kendall Goh.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Laurence Kornfield announced that he will be leaving the Department of Building Inspection to take a position with the Office of the City Administrator, overseeing the City's earthquake hazard reduction program. He thanked the Board for the opportunity to participate in its work and expressed how meaningful it has been to him. Vice President Garcia, Commissioners Peterson, Hwang and Fung all expressed their appreciation for his contribution to the work of the Board over several decades and wished him well on his new endeavors.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 09, 2011 minutes.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to adopt the March 9, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 1400 Grant Avenue aka 468 Green Street. Appeal No. 10-097, Crown Fortune Properties vs. Zoning Administrator, decided January 19, 2011. At that time, the Board voted 5-0 to grant the appeal and overrule the Zoning Administrator with the adoption of findings at a later time. Subject Action: Notice of Violation and Penalty dated Aug. 17, 2010, addressed to PGB LLC and Crown Fortune Properties, regarding the business professional service use located at the subject property, in violation of the Planning Code.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUESTS:**

Subject property at 1338 Filbert Street. Letter from Susan Brandt-Hawley, attorney for Jerry DeMartini, requestor, asking that the Board allow the filing of appeals against BPA Nos. 2008/10/27/5223, 2010/09/27/1690, and 2010/09/27/1691, which were all issued on Jan. 31, 2011, and all were determined to be issued pursuant to a Conditional Use (CU) authorization and thus un-appealable under the City Charter. Permit Holders: Dominique Lahaussois and David Low. Project, 1st permit: parking garage only; two duplexes above under separate permit. Project, 2nd permit: renovation and remodel of two existing landmark cottages and an artist studio. Project, 3rd permit: renovation and remodel of two existing landmark cottages. **NOTE: Public hearing held on March 9, 2010; matter continued to allow for the submittal of additional evidence.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to deny the jurisdiction requests.

SPEAKERS: Susan Brandt-Hawley, attorney for requestor; Andrew Junius, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4c) **REHEARING REQUESTS:**

Subject property at 2139 Taraval Street. Letter from Derek St. Pierre, attorney for Greg Schoepp, permit holder, requesting rehearing of Appeal Nos. 10-105/106. On Nov. 17, 2010, the Board voted 4-0-1 to revoke the subject permit, and on Feb. 09, 2011, the Board voted 5-0 to adopt findings with amendments. Appellants: Canaan Tutoring Center Service, and Chinese Gospel Church. Project: new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations; BPA No. 2009/12/03/2572.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-1-1 (Commissioner Hwang dissent and President Goh absent) to deny the rehearing requests.

SPEAKERS: Derek St. Pierre, attorney for requestor; Ross Moody, agent for appellant Canaan Tutoring Center Service; Scott Sanchez, ZA.

PUBLIC COMMENT: Maureen Burns, Elliott Wright, Shane Gibson, Stacia Scott, Floyd Rowrey, Kevin Johnson, Kathy Valaez, Lisa Cooper, Fred Martin, Edward Breslin, Thomas Hobby, Archie Hinkle, Jon Martinelli, Kerrigan Logan, Brent Saupe, Ivan Foxx, Michelle Amos, Steven Crane, Christine Moyer, Paul Hansbury, Jeffrey Dupuis, Henry J.W., Michael Goldman, Theresa Cooper, Gregory Ledbetter, Timothy Joseph Hawkins, Denise Dorey, Cora Glenn, Jae Sohn and Shona Gocheneau spoke in support of the requestor.

Nancy Wuerfel spoke in support of the appellant.

Cammy Blackstone, appearing on behalf of Supervisor Carmen Chu, answered Commissioner questions.

(4d) **REHEARING REQUEST:**

Subject property at 3175 – 24th Street. Letter from Jana Farrell, agent for Virginia Ramos, appellant, requesting rehearing of Appeal No. 10-136, decided Feb. 09, 2011. At that time, the Board voted 2-3 to grant the appeal, overturn the department, with adoption of findings at a later time. Four votes being required to overturn or modify any departmental action under the City Charter, the departmental action to issue the subject permit was upheld. Requestor of Permit: CBS Outdoor Inc.. Project: voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached; BPA No. 2009/11/12/1004.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-0-1 (President Goh absent) to grant the rehearing request and to rehear this matter on April 20, 2011, with additional briefing and testimony per the Board's Rules.

SPEAKERS: Jana Farrell, agent for requestor; Anthony Leones, attorney for CBS Outdoor Inc.; Dan Sider, PD.

PUBLIC COMMENT: None.

(4e) **REHEARING REQUESTS:**

Subject property at 1468 Folsom Street. Letter from Sean Marciniak, attorney for CBS Outdoor Inc., appellant, and a letter from Guerrero Espinoza, agent for Bay Community Housing LP, permit holder, requesting rehearing of Appeal No. 10-132, decided Feb. 09, 2011. At that time, the Board voted 3-2 to uphold the permit on the basis that it complies with the Code, and the City did not err in issuing said permit. Project: removal of 14' X 23' general advertising wall sign per DCP NOV; BPA No. 2010/10/13/2815.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to continue this matter to April 6, 2011 to allow time for CBS Outdoor Inc. to provide the Board with copies of its contract with the property owner or the property owner's predecessor.

SPEAKERS: Anthony Leones, attorney for requestor CBS Outdoor Inc.; Guerrero Espinoza, agent for requestor Bay Community Housing LP; Dan Sider, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4f) **JURISDICTION REQUEST:**

Subject property at 3206 Jackson Street. Letter from George Chan, requestor, asking that the Board take jurisdiction of BPA No. 2010/10/06/2397, which was issued on Jan. 04, 2011. The appeal period ended on Jan. 19, 2011, and the Jurisdiction Request was received at the Board office on Feb. 28, 2011. Permit Holders: Renu Agrawal and David Weber. Project: replace front/rear shingles with stucco; replace windows and modify openings; widen garage door; modify entry stairs; new deck railings; replace sliding glass doors and modify opening; infill deck area and foyer; add bedroom; relocate legal bathroom; remodel kitchen; relocate powder room; remodel master and staircase; add flat skylite.

WITHDRAWN.

(5) **APPEAL NO. 11-003**

MISSION DOLORES CITIZENS FOR HEALTHY TREES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent Requestor of Permit: HOUSING AUTHORITY	1855 – 15th Street. Appealing the denial on Jan. 03, 2011, of Tree Removal Permit (four trees). ORDER NO. 179,025. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (President Goh absent) to deny the appeal and uphold the department.

SPEAKERS: Clair Bright, agent for appellant; Marie Swanson, agent for permit holder; Carla Short, DPW BUF.

PUBLIC COMMENT: David Scott and Richard Fong spoke in support of the department. Paul Hastings spoke in support of the appellant.

(6) **APPEAL NO. 11-004**

JEFF & NICOLE COOPER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	156 – 27th Avenue. Protesting the issuance on Sept. 08, 2010, to NextG Network Inc., Wireless Box Permit. PERMIT NO. 10WR-0021. JURISDICTION GRANTED JAN. 12, 2011. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to grant the appeal and revoke the permit with the adoption of findings at a later time.

SPEAKERS: Jeff Cooper, appellant; Natasha Ernst, attorney for permit holder; John Kwong, DPW BSM; Scott Sanchez, ZA.

PUBLIC COMMENT: Doug Loranger, Gay Outlaw, David Tornheim, Alex Wong and Lisa Klinck-Shea spoke in support of the appellants.

(7) **APPEAL NO. 11-005**

DAVID TORNHEIM, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	36 Ashbury Street. Protesting the issuance on Oct. 26, 2010, to NextG Network Inc., Wireless Box Permit. PERMIT NO. 10WR-0116. JURISDICTION GRANTED JAN. 12, 2011. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-1-1 (Commissioner Hwang dissented and President Goh absent) to deny the appeal and uphold the department.

SPEAKERS: David Tornheim, appellant; Natasha Ernst, attorney for permit holder; John Kwong, DPW BSM; Scott Sanchez, ZA.

PUBLIC COMMENT: Joseph Semprevio, Linda Yacobucci, Doug Loranger, Jeff Cooper, Alex Wong and Wendy Robinson spoke in support of the appellant.

ITEMS (8A), (8B) AND (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 11-007**

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Jan. 20, 2011, to Mary Galvin, Permit to Alter a Building (comply with NOV's; replace skylights; new gutters and downspouts; replace broken windows; replace rear patio doors; misc. siding repair; mold remediation at basement level; removal of sheetrock). APPLICATION NO. 2011/01/20/8698. FOR HEARING TODAY.

(8B) **APPEAL NO. 11-008**

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Jan. 20, 2011, to Mary Galvin, Permit to Alter a Building (re-roofing of existing roof areas less dormer). APPLICATION NO. 2011/01/20/8701. FOR HEARING TODAY.

(8C) **APPEAL NO. 11-020**

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2514 – 23rd Avenue. Protesting the issuance on Feb. 09, 2011, to Mary Galvin, Plumbing Permit (replace shower and sink of the same kind). APPLICATION NO. PP2011/02/09/927. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (President Goh absent) to deny the three appeals and uphold the three permits on the basis that the permits are to respond to Notices of Violation (NOVs).

SPEAKERS: Nancy Wuerfel, appellant; Mary Galvin, permit holder; Tom Venizelos, DBI.

PUBLIC COMMENT: Joe O'Donoghue and Sherrie Matza spoke in support of the permit holder; Linda Yacobucci spoke in support of the appellant.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 11-010**

DEAN PRESTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	401 Divisadero Street. Protesting the issuance on Jan. 10, 2011, to John Brennan, Permit to Alter a Building (Chase Bank; install 8 awnings; signs under separate permit). APPLICATION NO. 2010/12/29/7555. FOR HEARING TODAY.

(9B) **APPEAL NO. 11-011**

DEAN PRESTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	401 Divisadero Street. Protesting the issuance on Jan. 10, 2011, to John Brennan, Permit to Alter a Building (Chase Bank; revision to BPA No. 2010/10/18/3214; includes window and brick wainscotting modifications; revised floor heights and associated ramp; revised entry and structural revisions for door and ATM openings). APPLICATION NO. 2011/01/07/8051. FOR HEARING TODAY.

ACTION on Appeal No. 11-010: Upon motion by Vice President Garcia, the Board voted 3-1-1 (Commissioner Hwang dissented and President Goh absent) to deny the appeal and uphold the department.

ACTION on Appeal No. 11-011: Upon motion by Vice President Garcia, the Board voted 3-1-1 (Commissioner Hwang dissented and President Goh absent) to grant the appeal and condition the permit so that it be revised to reflect the changes in Addendum #2 (date 1/27/11) provided that this revision does not cause the overall square footage to exceed 3,999 square feet. Lacking the four votes needed to pass, the motion failed. Upon further motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to continue this item to March 23, 2011 to allow President Goh to participate in the vote.

SPEAKERS: Dean Preston, appellant; Christine Griffith, attorney for permit holder; John Pollard, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Jonah Horowitz, Sherrie Matza, Joseph Kasarda, Michael Musleh, Joe O'Donoghue, John Kerley, Patrick Kerley, Dan Kerley, Gerry Agosta, Fergis O' Sullivan, Peter Pratt and Kathleen Crichton spoke in support of the permit holder.

David Tornheim, Sommer Peterson, Dan Nguyen-Tan, Amy Weiss, Mark Gaffney, Quentin Mecke, Gus Hernandez, Richard Kay, Ilyse Magy, Chris Jones, Hallie Albert, Remy Nelson and Julian Davis spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Garcia adjourned the meeting at 12:40 a.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 23, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 16, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 281 Turk Street. Letter from Shaughn Morgan, agent for Housing Corps. Inc., appellant, requesting rehearing of Appeal No. 10-073, decided Jan. 19, 2011. At that time, the Board voted 2-3 to uphold the permit. Four (4) votes being required to overturn any departmental action, the subject permit was upheld. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975. **NOTE: Public hearing held and closed on March 09, 2011; matter continued to allow absent Board member to participate in vote.**

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(4b) **JURISDICTION REQUEST:**

Subject property at 415 Oxford Street. Letter from Charlene Chan, requestor, asking that the Board take jurisdiction over BPA No. 2010/02/12/6512S, which was issued on Dec. 03, 2010. The appeal period ended Dec. 20, 2010, and the jurisdiction request was received at the Board office on Feb. 02, 2011. Permit Holder: Bill Chan. Project: vertical and horizontal addition; remove illegal unit at ground floor; add full bath and exercise room at ground floor; interior remodel; new roof deck at 2nd floor; add new 3rd floor. **NOTE: Public hearing held on March 09, 2011; matter continued to allow time for the parties to discuss settlement.**

(5) **APPEAL NO. 11-011**

DEAN PRESTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	401 Divisadero Street. Protesting the issuance on Jan. 10, 2011, to John Brennan, Permit to Alter a Building (Chase Bank; revision to BPA No. 2010/10/18/3214; includes window and brick wainscotting modifications; revised floor heights and associated ramp; revised entry and structural revisions for door and ATM openings). APPLICATION NO. 2011/01/07/8051. PUBLIC HEARING HELD AND CLOSED ON MARCH 16, 2011. **NOTE: matter continued to allow absent Board member to participate in vote.**

(6) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. PUBLIC HEARING HELD AND CLOSED ON JAN. 19, 2011. FOR FURTHER COINSIDERATION TODAY. **NOTE: matter continued to allow time for DPW to submit additional information pursuant to the Board's comments; additional briefing is allowed.**

(7) **APPEAL NO. 11-002**

RICHARD ARVIN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Dec. 23, 2010, of Taxicab Medallion No. 997. PUBLIC HEARING HELD ON MARCH 9, 2011. FOR FURTHER CONSIDERATION TODAY. **NOTE: matter continued to allow time for the parties to propose alternate penalties and to discuss settlement; additional briefing is allowed.**

(8) **APPEAL NO. 10-131**

IKE'S PLACE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DENMAN DROBISCH	3506 – 16th Street aka 282 Sanchez Street. Appealing a Notice of Violation and Penalty dated July 13, 2010, regarding an allegation of illegal commercial activities at the subject property. JURISDICTION GRANTED NOV. 17, 2010. FOR HEARING TODAY.

(9) **APPEAL NO. 11-018**

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: CARMEN HO	731 & 735 Commercial Street. Appealing an Amended Request for Release of Suspension dated Jan. 25, 2011, addressed to DBI Director Vivian Day, which requests that that the suspensions against BPA Nos. 2010/06/14/4484 and 2010/05/05/1750 be lifted because the property owner has worked with the Planning Department to clarify the proposed improvements under these permits. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 18, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 23, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Cynthia Goldstein, Executive Director; Xiomara Velez, Legal Process Clerk.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 16, 2011 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to adopt the March 16, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 281 Turk Street. Letter from Shaughn Morgan, agent for Housing Corps. Inc., appellant, requesting rehearing of Appeal No. 10-073, decided Jan. 19, 2011. At that time, the Board voted 2-3 to uphold the permit. Four (4) votes being required to overturn any departmental action, the subject permit was upheld. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975. **NOTE: Public hearing held and closed on March 09, 2011; matter continued to allow absent Board member to participate in vote.**

ACTION: Upon motion by President Goh, the Board voted 5-0 to designate the court reporter's transcript as the official record of this proceeding. Upon further motion by Commissioner Hwang, the Board voted 5-0 to grant the rehearing request with briefing allowed as stated in the Board's current Rules, and with an April 20, 2011 hearing date.

SPEAKERS: Diana Sam, attorney for permit holder; David Wagoner, attorney for requestor.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST:**

Subject property at 415 Oxford Street. Letter from Charlene Chan, requestor, asking that the Board take jurisdiction over BPA No. 2010/02/12/6512S, which was issued on Dec. 03, 2010. The appeal period ended Dec. 20, 2010, and the jurisdiction request was received at the Board office on Feb. 02, 2011. Permit Holder: Bill Chan. Project: vertical and horizontal addition; remove illegal unit at ground floor; add full bath and exercise room at ground floor; interior remodel; new roof deck at 2nd floor; add new 3rd floor. **NOTE: Public hearing held on March 09, 2011; matter continued to allow time for the parties to discuss settlement.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Hwang dissented) to deny the jurisdiction request.

SPEAKERS: James O'Neil, attorney for requestor; Alex Nie, agent for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-011**

DEAN PRESTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	401 Divisadero Street. Protesting the issuance on Jan. 10, 2011, to John Brennan, Permit to Alter a Building (Chase Bank; revision to BPA No. 2010/10/18/3214; includes window and brick wainscotting modifications; revised floor heights and associated ramp; revised entry and structural revisions for door and ATM openings). APPLICATION NO. 2011/01/07/8051. PUBLIC HEARING HELD AND CLOSED ON MARCH 16, 2011. **NOTE: matter continued to allow absent Board member to participate in vote.**

ACTION: Upon motion by Vice President Garcia, the Board voted 3-2 (President Goh and Commissioner Hwang dissented) to grant the appeal and condition the permit so that it be revised to reflect the plans contained in Addendum #2, dated 1/27/11, provided that this revision does not cause the overall square footage to exceed 3,999sf. Lacking the four votes needed to pass, the motion failed. With no further motion made, the permit is upheld by operation of law.

SPEAKERS: Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. PUBLIC HEARING HELD AND CLOSED ON JAN. 19, 2011. FOR FURTHER COINSIDERATION TODAY. **NOTE: matter continued to allow time for DPW to submit additional information pursuant to the Board's comments; additional briefing is allowed.**

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (Commissioner Peterson dissented) to continue the matter to May 25, 2011, to allow time for the permit holder to provide the Board with copies of permits obtained for the retaining wall constructed in 2004 and the trees removed in association with this construction.

SPEAKERS: John Kwong, DPW, BSM; Richard Rabbitt, appellant; Harry O'Brien, attorney for permit holder; Michael London, agent for permit holder.

PUBLIC COMMENT: Martin Macintyre, Winchell Quock and Jeanne Quock spoke in support of the appellant. Alice Carnes spoke in support of the department.

(7) **APPEAL NO. 11-002**

RICHARD ARVIN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Dec. 23, 2010, of Taxicab Medallion No. 997. PUBLIC HEARING HELD ON MARCH 9, 2011. FOR FURTHER CONSIDERATION TODAY. **NOTE: matter continued to allow time for the parties to propose alternate penalties and to discuss settlement; additional briefing is allowed.**

ACTION: Upon motion by President Goh, the Board voted 5-0 to continue the matter to April 20, 2011 to allow time for the parties to finalize a settlement.

SPEAKERS: Raymond Alexander, attorney for appellant; Jarvis Murray, MTA, DTAS.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 10-131**

IKE'S PLACE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DENMAN DROBISCH	3506 – 16th Street aka 282 Sanchez Street. Appealing a Notice of Violation and Penalty dated July 13, 2010, regarding an allegation of illegal commercial activities at the subject property. JURISDICTION GRANTED NOV. 17, 2010. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to continue the matter to April 6, 2011 to allow the appellant time to review the subject property owner's brief.

SPEAKERS: Kenneth Fukuda, attorney for appellant; Arlene Helfrich, attorney for property owner.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 11-018**

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: CARMEN HO	731 & 735 Commercial Street. Appealing an Amended Request for Release of Suspension dated Jan. 25, 2011, addressed to DBI Director Vivian Day, which requests that that the suspensions against BPA Nos. 2010/06/14/4484 and 2010/05/05/1750 be lifted because the property owner has worked with the Planning Department to clarify the proposed improvements under these permits. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 5-0 to continue the matter to May 25, 2011 to allow the time for (a) the parties to meet with the Zoning Administrator to discuss the "fix it" permit to see if an agreement can be reached on how to resolve this matter; and (b) Planning and DBI to jointly submit a list and scope of work for all permits associated with the property.

SPEAKERS: Jason Bley, appellant; Mel Lee, agent for permit holder; Carmen Ho, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Sung spoke in support of the permit holder. Arthur Chang and Jeffrey Wong spoke in support of the appellant. John Harris spoke on behalf of the Mayor's Office of Housing.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 8:35 p.m.

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Cynthia.Go... 1:04 PM
NO BOA MEETING ...

NO BOA MEETING ON MARCH 30, 2011

Cynthia.Goldstein@SFGOV.ORG [Cynthia.Goldstein@SFGOV.ORG]

Sent: Thursday, March 24, 2011 1:03 PM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org;

P U B L I C N O T I C E

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cancelled

The Board of Appeals has NOT SCHEDULED a meeting for March 30, 2011. The next regular meeting is scheduled for WEDNESDAY, APRIL 06, 2011, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 06, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 23, 2011 minutes.

(4) **APPEAL NO. 10-131**

IKE'S PLACE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DENMAN DROBISCH	3506 – 16th Street aka 282 Sanchez Street. Appealing a Notice of Violation and Penalty dated July 13, 2010, regarding an allegation of illegal commercial activities at the subject property. JURISDICTION GRANTED NOV. 17, 2010. FOR HEARING TODAY. **Note: on March 23, 2011 the matter was continued to allow time for the appellant to review the subject property owner's brief.**

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(5) ADDENDUM ITEMS:

(5a) REHEARING REQUESTS:

Subject property at 1468 Folsom Street. Letter from Sean Marciniak, attorney for CBS Outdoor Inc., appellant, and a letter from Guerrero Espinoza, agent for Bay Community Housing LP, permit holder, requesting rehearing of Appeal No. 10-132, decided Feb. 09, 2011. At that time, the Board voted 3-2 to uphold the permit on the basis that it complies with the Code, and the City did not err in issuing said permit. Project: removal of 14' X 23' general advertising wall sign per DCP NOV; BPA No. 2010/10/13/2815. **NOTE: Public hearing held on March 16, 2011; matter continued to allow time for the submittal of additional briefing and evidence as specified by the Board.**

(5b) JURISDICTION REQUESTS:

Subject property at 2173 California Street. Letter from Tim Mooring, requestor, asking that the Board take jurisdiction over BPA Nos. 2011/01/18/8485 and 2011/01/21/8757, which were issued on January 18, 2011 and January 21, 2011, respectively. The appeal periods ended February 02. 2011 and February 07, 2011, respectively, and the jurisdiction requests were received at the Board office on March 10, 2011 and March 14, 2011, respectively. Permit Holder: California & Buchanan LLC. Project, 1st permit: kitchen and bathroom remodel, new hardwood floor, new interior paint for nine apartment units, no structural work. Project, 2nd permit: repair siding and trim; paint exterior, new tile and paint at common areas (lobbies), new carpet and paint at common stairways, no structural work, does not affect life-safety.

(6) APPEAL NO. 10-026

KALESILASSIE GEBRESILASSIE, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Sept. 30, 2009, of Taxicab Medallion. JURISDICTION GRANTED MAR. 03, 2010. PUBLIC HEARING HELD AND CLOSED ON DEC. 08, 2010. FOR FURTHER COINSIDERATION TODAY. **Note: matter continued to allow time for MTA DTAS to analyze the appellant's waybills for 2009 and 2010; additional briefing is allowed.**

(7) **APPEAL NO. 10-134**

AVEF ABDELHLIM dba " ASAD MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	229 – 9th Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-47. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 1, 2011**

MEMBERS OF THE BOARD OF APPEALS

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MICHAEL GARCIA	VICE PRESIDENT
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 06, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Tom Owen, Deputy City Attorney, Office of the City Attorney (OCA); Catherine Barnes, Deputy City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Dan Sider, Senior Planner, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Xiomara Velez, Legal Process Clerk.

ABSENT: Vice President Michael Garcia.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Hwang said she may have to leave the April 20, 2011 meeting by 6:45 p.m.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 23, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Vice President Garcia absent) to adopt the March 23, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 10-131**

IKE'S PLACE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DENMAN DROBISCH	3506 – 16th Street aka 282 Sanchez Street. Appealing a Notice of Violation and Penalty dated July 13, 2010, regarding an allegation of illegal commercial activities at the subject property. JURISDICTION GRANTED NOV. 17, 2010. FOR HEARING TODAY. **Note: on March 23, 2011 the matter was continued to allow time for the appellant to review the subject property owner's brief.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Garcia absent) to continue the matter to May 25, 2011 to allow Vice President Garcia to participate in the final vote.

SPEAKERS: Kenneth Fukuda, attorney for appellant; Ike Shehadeh, agent for appellant; Arlene Helfrich, attorney for subject property owner; Scott Sanchez, ZA.

PUBLIC COMMENT: Mick Lee spoke in support of the appellant.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUESTS:**

Subject property at 1468 Folsom Street. Letter from Sean Marciniak, attorney for CBS Outdoor Inc., appellant, and a letter from Guerrero Espinoza, agent for Bay Community Housing LP, permit holder, requesting rehearing of Appeal No. 10-132, decided Feb. 09, 2011. At that time, the Board voted 3-2 to uphold the permit on the basis that it complies with the Code, and the City did not err in issuing said permit. Project: removal of 14' X 23' general advertising wall sign per DCP NOV; BPA No. 2010/10/13/2815. **NOTE: Public hearing held on March 16, 2011; matter continued to allow time for the submittal of additional briefing and evidence as specified by the Board.**

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Peterson dissented and Vice President Garcia absent) to deny the requests.

SPEAKERS: Guerrero Espinoza, agent for Bay Community Housing LP; Anthony Leones, attorney for requestor CBS Outdoor Inc.

PUBLIC COMMENT: None.

(5b) **JURISDICTION REQUESTS:**

Subject property at 2173 California Street. Letter from Tim Mooring, requestor, asking that the Board take jurisdiction over BPA Nos. 2011/01/18/8485 and 2011/01/21/8757, which were issued on January 18, 2011 and January 21, 2011, respectively. The appeal periods ended February 02, 2011 and February 07, 2011, respectively, and the jurisdiction requests were received at the Board office on March 10, 2011 and March 14, 2011, respectively. Permit Holder: California & Buchanan LLC. Project, 1st permit: kitchen and bathroom remodel, new hardwood floor, new interior paint for nine apartment units, no structural work. Project, 2nd permit: repair siding and trim; paint exterior, new tile and paint at common areas (lobbies), new carpet and paint at common stairways, no structural work, does not affect life-safety.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (President Goh and Commissioner Hwang dissented and Vice President Garcia absent) to deny the requests. Lacking the three votes needed to pass, the motion failed. With no further motion made, the requests were denied by operation of law.

SPEAKERS: Tim Mooring, requestor; Barry Scherman, agent for permit holder; Daniel Bornstein, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Joe O'Donoghue spoke in support of the permit holder.

(6) **APPEAL NO. 10-026**

KALESILASSIE GEBRESILASSIE, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Sept. 30, 2009, of Taxicab Medallion. JURISDICTION GRANTED MAR. 03, 2010. PUBLIC HEARING HELD AND CLOSED ON DEC. 08, 2010. FOR FURTHER COINSIDERATION TODAY. **Note: matter continued to allow time for MTA DTAS to analyze the appellant's waybills for 2009 and 2010; additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Garcia absent) to continue the matter to July 20, 2011. Three pages of additional briefing are allowed, due the Thursday prior to hearing.

SPEAKERS: Raymond Alexander, attorney for appellant; Jarvis Murray, MTA DTAS.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 10-134**

AVEF ABDELHLIM dba " ASAD MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	229 – 9th Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Dec. 08, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-47. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Vice President Garcia absent) to deny the appeal and uphold the department.

SPEAKERS: Sherry Gendelman, attorney for appellant; Suhail Abdelhalim, agent for appellant; Ehab Abdelhalim, agent for the appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:20 p.m.

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Cynthia.Goldstein... 12:49 PM
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Cynthia.Goldstein@SFGOV.ORG [Cynthia.Goldstein@SFGOV.ORG]

Sent: Thursday, April 07, 2011 12:48 PM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org;

P U B L I C N O T I C E

F
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4/13/11
cancelled

The Board of Appeals has NOT SCHEDULED a meeting for APRIL 13, 2011. The next regular meeting is scheduled for WEDNESDAY, APRIL 20, 2011, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

11-04-07 12:59 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 20, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 06, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 156 27th Avenue. Appeal No. 11-004, Jeff & Nicole Cooper v. Department of Public Works Bureau of Street Use & Mapping, decided March 16, 2011. At that time, the Board voted 4-0-1 (President Goh absent), to grant the appeal and revoke the permit with the adoption of findings at a later time. Subject Action: Wireless Box Permit No. 10WR-0021, issued on September 08, 2010 to NextG Networks, Inc.

(4b) **JURISDICTION REQUEST:**

Subject property at 124 Lower Terrace. Letter from Jim Flanagan, requestor, asking that the Board take jurisdiction over Wireless Box Permit No. 10WR-0079, which was issued on November 15, 2010 by the Department of Public Works. The appeal period ended November 30, 2010, and the Jurisdiction Request was received at the Board office on March 24, 2011. Permit Holder: NextG Networks, Inc.

(4c) JURISDICTION REQUEST:

Subject property at 1550 and 1552 Jones Street. Letter from Eric Montoya, requestor, asking that the Board take jurisdiction over BPA No. 2011/02/02/9512, which was issued on February 15, 2011. The appeal period ended March 02, 2011, and the Jurisdiction Request was received at the Board office on March 23, 2011. Permit Holder: Nob Hill Vistas LLC. Project: kitchen and bathroom remodel, living room and bedroom remodel, install new kitchen appliances and W/D, install new lights and outlets, install new forced air, add bathroom, remove one wall between kitchen and bathroom on both units on third floor, new roof joists on both units on third floor.

(5) **APPEAL NO. 10-136**

VIRGINIA RAMOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3175 – 24th Street. Protesting the issuance on Dec. 14, 2009, Permit to Alter a Building (voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached). APPLICATION NO. 2009/11/12/1004. JURISDICTION GRANTED DEC. 08, 2010. FOR REHEARING TODAY. **Note: On Feb. 09, 2011, the Board voted 2-3 (President Goh, Commissioners Fung and Hwang dissented) to grant the appeal and overturn the department. Lacking the four votes needed to pass, the motion failed and the permit was upheld by operation of law. On March 16, 2011, the Board voted 4-0-1 (President Goh absent) to grant the appellant's rehearing request and to set the rehearing for April 20, 2011.**

(6) APPEAL NO. 10-073

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drug LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. JURISDICTION GRANTED JUNE 30, 2010. FOR REHEARING TODAY. **Public Hearing held and closed on Oct. 06, 2010. Motion to grant the appeal conditioned upon adoption of findings approved on Oct. 13, 2010. Motion to re-open the public hearing and receive additional evidence approved on Dec. 15, 2010. On Jan. 19, 2011, the Board voted 2-3 (President Goh, Commissioners Fung and Hwang dissented) to deny the appeal and uphold the permit. Lacking the three votes needed to pass, the motion failed and the permit was upheld by operation of law. On March 23, 2011, the Board voted 5-0 to grant the appellant's rehearing request and to set the rehearing for April 20, 2011.**

(7) APPEAL NO. 11-035

50 BEALE STREET LLC, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: GLL US OFFICE, LP	350 Mission Street. Protesting the adoption of findings related to approval of a determination of compliance under Planning Code § 309 (project is to demolish a four-story building and construct a 24-story building with 340,000sf of office use, 1,000sf of retail space, 23,500sf of subterranean parking, and 12,700sf of publicly-accessible interior open space. MOTION NO. 18268. FOR HEARING TODAY.

(8) **APPEAL NO. 11-027**

ERIC KREBS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2336A Jones Street. Protesting the issuance on Feb. 16, 2011 to John Sollner, Permit to Alter a Building (kitchen and bathroom remodel at rear ground floor studio unit; non structural). APPLICATION NO. 2011/02/16/0389. FOR HEARING TODAY.

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Date posted: **April 15, 2011**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 20, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Dan Sider, Senior Planner, Planning Department (PD); Kevin Guy, Planner, (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Cynthia Goldstein, Executive Director; Xiomara Velez, Legal Process Clerk.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 06, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the April 6, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 156 27th Avenue. Appeal No. 11-004, Jeff & Nicole Cooper v. Department of Public Works Bureau of Street Use & Mapping, decided March 16, 2011. At that time, the Board voted 4-0-1 (President Goh absent), to grant the appeal and revoke the permit with the adoption of findings at a later time. Subject Action: Wireless Box Permit No. 10WR-0021, issued on September 08, 2010 to NextG Networks, Inc.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the findings as amended to change the permit holder's name to NextG Networks of California, Inc.

SPEAKERS: Natasha Ernst, attorney for permit holder; Jeff Cooper, appellant; John Kwong, DPW, BSM.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST:**

Subject property at 124 Lower Terrace. Letter from Jim Flanagan, requestor, asking that the Board take jurisdiction over Wireless Box Permit No. 10WR-0079, which was issued on November 15, 2010 by the Department of Public Works. The appeal period ended November 30, 2010, and the Jurisdiction Request was received at the Board office on March 24, 2011. Permit Holder: NextG Networks, Inc.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to grant the request on the basis that the City inadvertently misled the requestor into not fiing a timely appeal.

SPEAKERS: Jim Flanagan, requestor; Natasha Ernst, attorney for permit holder; John Kwong, DPW, BSM.

PUBLIC COMMENT: Jeff Cooper spoke in support of the requestor.

(4c) **JURISDICTION REQUEST:**

Subject property at 1550 and 1552 Jones Street. Letter from Eric Montoya, requestor, asking that the Board take jurisdiction over BPA No. 2011/02/02/9512, which was issued on February 15, 2011. The appeal period ended March 02, 2011, and the Jurisdiction Request was received at the Board office on March 23, 2011. Permit Holder: Nob Hill Vistas LLC. Project: kitchen and bathroom remodel, living room and bedroom remodel, install new kitchen appliances and W/D, install new lights and outlets, install new forced air, add bathroom, remove one wall between kitchen and bathroom on both units on third floor, new roof joists on both units on third floor.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to deny the request.

SPEAKERS: W.B. Coyle, agent for permit holder; the requestor did not appear.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-136**

VIRGINIA RAMOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3175 – 24th Street. Protesting the issuance on Dec. 14, 2009, Permit to Alter a Building (voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached). APPLICATION NO. 2009/11/12/1004. JURISDICTION GRANTED DEC. 08, 2010. FOR REHEARING TODAY. **Note: On Feb. 09, 2011, the Board voted 2-3 (President Goh, Commissioners Fung and Hwang dissented) to grant the appeal and overturn the department. Lacking the four votes needed to pass, the motion failed and the permit was upheld by operation of law. On March 16, 2011, the Board voted 4-0-1 (President Goh absent) to grant the appellant's rehearing request and to set the rehearing for April 20, 2011.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Garcia and Commissioner Peterson dissented) to deny the appeal and uphold the department.

SPEAKERS: Jana Farrell, agent for appellant; Virginia Ramos, appellant; Sean Marciniak, attorney for permit holder CBS Outdoor; Dan Sider, PD.

PUBLIC COMMENT: Peter Alexander spoke about the Constitution and signs.

(6) **APPEAL NO. 10-073**

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drug LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. JURISDICTION GRANTED JUNE 30, 2010. FOR REHEARING TODAY. **Public Hearing held and closed on Oct. 06, 2010. Motion to grant the appeal conditioned upon adoption of findings approved on Oct. 13, 2010. Motion to re-open the public hearing and receive additional evidence approved on Dec. 15, 2010. On Jan. 19, 2011, the Board voted 2-3 (President Goh, Commissioners Fung and Hwang dissented) to deny the appeal and uphold the permit. Lacking the three votes needed to pass, the motion failed and the permit was upheld by operation of law. On March 23, 2011, the Board voted 5-0 to grant the appellant's rehearing request and to set the rehearing for April 20, 2011.**

ACTION: Upon motion by President Goh, the Board voted 5-0 to designate the court reporter's transcript as the official record of this proceeding. Upon motion by Commissioner Peterson, the Board voted 2-3 (President Goh and Commissioners Fung and Hwang dissented) to deny the appeal and uphold the permit. Lacking the three votes needed to pass, the motion failed. Upon motion by Vice President Garcia, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that (a) the permit holder provide DBI and the Planning Department with the actual costs of construction so as to correct what was put on the permit application and so that the permit holder be required to pay any additional fees due to the City; and (b) the following list of security measures be recorded on the property in a Notice of Special Restrictions (NSR): use of a protected and monitored, 24-hour security system (both active and passive); maintenance of a "view corridor" keeping street trees trimmed to maintain visibility; provision of general security, maintained from opening day, by a contract security firm, including: (i) a general presence within the store, (ii) sidewalk (easement) control immediately in front of the store, (iii) behavior monitoring as required inside the store, (iv) security be unarmed, but with the authority to detain for police where required, (v) camera surveillance of pharmacy premises and sidewalk, (vi) maintaining control of cash on site, including how it is transferred and secured, (vii) secure storage for all controlled substances on site, (viii) posting of any customer rules (such as no loitering) as may be needed.

SPEAKERS: David Wagoner, attorney for appellant; Shaughn Morgan, agent for appellant; Diana Sam, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Dina Hilliard, Ken Zemel and Elaine Zamora spoke in support of the permit holder. John Nulty, Mohammed Allababidi, Mark Blackwood, Leonore Gomeztrejo, Michael Nulty and Susan Bryan spoke in support of the appellant. San Francisco Police Captain John Garrity answered Commissioner questions.

(7) **APPEAL NO. 11-025**

50 BEALE STREET LLC, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder: GLL US OFFICE, LP	350 Mission Street. Protesting the adoption of findings related to approval of a determination of compliance under Planning Code § 309 (project is to demolish a four-story building and construct a 24-story building with 340,000sf of office use, 1,000sf of retail space, 23,500sf of subterranean parking, and 12,700sf of publicly-accessible interior open space. MOTION NO. 18268. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the findings, on the basis that the Planning Commission did not abuse its discretion.

SPEAKERS: Alex Degood, attorney for appellant; Jim Reuben, attorney for motion holder; Masis Mesropian, agent for motion holder; Scott Sanchez, ZA; Kevin Guy, PD.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 11-027**

ERIC KREBS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2336A Jones Street. Protesting the issuance on Feb. 16, 2011 to John Sollner, Permit to Alter a Building (kitchen and bathroom remodel at rear ground floor studio unit; non structural). APPLICATION NO. 2011/02/16/0389. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that there is a lack of any finding that the permit was issued improperly.

SPEAKERS: W. B. Coyle, agent for appellant; John Sollner, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Starchild spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 10:30 p.m.

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NO BOARD OF APPEALS MEETINGS -- APRIL 27, 2011 & MAY 4, 2...

Cynthia.Goldstein@SFGOV.ORG [Cynthia.Goldstein@SFGOV.ORG]

Sent: Thursday, April 21, 2011 11:14 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org; Laurence.Kornfield@sfgov.org; Vivian.Day@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for APRIL 27, 2011 or MAY 4,2011. The next regular meeting is scheduled for WEDNESDAY, MAY 11, 2011, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

04-21-11A11:54 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 11, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 20, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUESTS:**

Subject property at 171 Lee Avenue. Letter from John Chow, attorney for Siu Ping Yu, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/11/12/1083 and 2009/12/24/3869, which were issued on Nov. 16, 2009 and Dec. 30, 2009, respectively. The appeal periods ended Dec. 01, 2009 and Jan. 14, 2010, respectively. Permit Holder: Chio Leng Cheong. **Project, 1st permit:** 2nd floor remodel; add one bathroom; remodel existing bathroom; alterations per plan. **Project, 2nd permit:** add four bedrooms, one study room, and four bathrooms on 1st floor.

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(4b) **JURISDICTION REQUEST:**

Subject property at 2344 Market Street. Letter from Jeremy Paul, agent for Greg Bronstein, requestor, asking that the Board take jurisdiction over a Notice of Violation and Penalty issued by the Zoning Administrator on May 07, 2010. The appeal period ended May 22, 2010, and the jurisdiction request was filed at the Board office on April 08, 2011. NOV&P: noncompliance with conditions of approval requiring all noise to be contained within the facility.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 10-111**

SIU PING YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	171 Lee Avenue. Protesting the issuance on Oct. 05, 2010, to Chio Leng Cheong, Permit to Alter a Building (revision to BPA No. 2009/11/12/1083; on 2nd floor; relocation of bathroom; add storage room; replace 3 windows; revised approved master bath; add 2 X 4 drop ceiling joist to install insulation; no exterior work). APPLICATION NO. 2010/07/15/6753. FOR HEARING TODAY.

(5B) **APPEAL NO. 10-112**

SIU PING YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	171 Lee Avenue. Protesting the issuance on Oct. 05, 2010, to Chio Leng Cheong, Permit to Alter a Building (revision to BPA No. 2009/12/24/3869; revise layout of rooms per plan; add new laundry area and new water heater; no exterior work). APPLICATION NO. 2010/07/15/6761. FOR HEARING TODAY.

(6) **APPEAL NO. 10-122**

FARHAD GOLSHAN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Oct. 18, 2010, of Taxicab Medallion No. 871. FOR HEARING TODAY.

(7) **APPEAL NO. 11-033**

NIZAR ASKNDAFI dba "MMC WINE & SPIRITS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	615 Sutter Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-20. FOR HEARING TODAY.

(8) **APPEAL NO. 11-032**

TASO & CELIA MANITSAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	611 Jones Street. Appealing the imposition of penalty on March 11, 2011, for construction work done without a permit. APPLICATION NO. 2011/03/11/1914. FOR HEARING TODAY.

(9) **APPEAL NO. 11-030**

ANN L. JUNG & JOHN CHEONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1261-1263 Connecticut Street. Protesting the issuance on Feb. 25, 2011, to Murphy Trust, Permit to Erect a Building (two-story, storage facility with 5,000sf of ground floor area). APPLICATION NO. 200908074397S. FOR HEARING TODAY.

(10) **APPEAL NO. 11-031**

MARTIN MACK'S BAR & RESTAURANT, Appellant(s) vs. ZONING ADMINISTRATOR	1566-1568 Haight Street, aka 1576-1580 Haight Street. Appealing a Notice of Violation and Penalty dated August 24, 2009, addressed to Maybelle Schumacher Trust and Martin Mack's Bar & Restaurant, regarding the illegal expansion of restaurant and bar space without the required Conditional Use (CU) authorization, and violation of the conditions of approval from a previous CU authorization. JURISDICTION GRANTED MARCH 09, 2011. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 06, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 11, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Chris Hwang. Commissioner Tanya Peterson arrived at 6:30 p.m.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 20, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to adopt the April 20, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUESTS:**

Subject property at 171 Lee Avenue. Letter from John Chow, attorney for Siu Ping Yu, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/11/12/1083 and 2009/12/24/3869, which were issued on Nov. 16, 2009 and Dec. 30, 2009, respectively. The appeal periods ended Dec. 01, 2009 and Jan. 14, 2010, respectively. Permit Holder: Chio Leng Cheong. **Project, 1st permit:** 2nd floor remodel; add one bathroom; remodel existing bathroom; alterations per plan. **Project, 2nd permit:** add four bedrooms, one study room, and four bathrooms on 1st floor.

ACTION: Upon motion by Vice President Garcia, the Board voted 2-2-1 (President Goh and Commissioner Hwang dissented; Commissioner Peterson absent) to deny the requests. Lacking the three votes needed to pass, the motion failed. With no further motion made, the requests were denied by operation of law.

SPEAKERS: Wing Chin Wang, agent for appellant; John Chow, attorney for appellant; Chio Leng Cheong, permit holder; Li Yun Yuan, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Shirley Li spoke in support of the permit holder.

(4b) **JURISDICTION REQUEST:**

Subject property at 2344 Market Street. Letter from Jeremy Paul, agent for Greg Bronstein, requestor, asking that the Board take jurisdiction over a Notice of Violation and Penalty issued by the Zoning Administrator on May 07, 2010. The appeal period ended May 22, 2010, and the jurisdiction request was filed at the Board office on April 08, 2011. NOV&P: noncompliance with conditions of approval requiring all noise to be contained within the facility.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Peterson absent) to deny the Jurisdiction Request.

SPEAKERS: Scott Sanchez, ZA; appellant did not appear.

PUBLIC COMMENT: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 10-111**

SIU PING YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	171 Lee Avenue. Protesting the issuance on Oct. 05, 2010, to Chio Leng Cheong, Permit to Alter a Building (revision to BPA No. 2009/11/12/1083; on 2nd floor; relocation of bathroom; add storage room; replace 3 windows; revised approved master bath; add 2 X 4 drop ceiling joist to install insulation; no exterior work). APPLICATION NO. 2010/07/15/6753. FOR HEARING TODAY.

Administratively Withdrawn.

(5B) **APPEAL NO. 10-112**

SIU PING YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	171 Lee Avenue. Protesting the issuance on Oct. 05, 2010, to Chio Leng Cheong, Permit to Alter a Building (revision to BPA No. 2009/12/24/3869; revise layout of rooms per plan; add new laundry area and new water heater; no exterior work). APPLICATION NO. 2010/07/15/6761. FOR HEARING TODAY.

Administratively Withdrawn.

(6) **APPEAL NO. 10-122**

FARHAD GOLSHAN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Oct. 18, 2010, of Taxicab Medallion No. 871. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to May 25, 2011.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-033**

NIZAR ASKNDAFI dba "MMC WINE & SPIRITS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	615 Sutter Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-20. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-2 (Vice President Garcia and Commissioner Fung dissented) to deny the appeal and uphold the department.

SPEAKERS: Nizar Askndafi, appellant; Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 11-032**

TASO & CELIA MANITSAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	611 Jones Street. Appealing the imposition of penalty on March 11, 2011, for construction work done without a permit. APPLICATION NO. 2011/03/11/1914. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Peterson absent) to grant the appeal and reduce the penalty to two times the regular fee.

SPEAKERS: Joseph Duffy, DBI; Taso Manitsas, appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 11-030**

ANN L. JUNG & JOHN CHEONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1261-1263 Connecticut Street. Protesting the issuance on Feb. 25, 2011, to Murphy Trust, Permit to Erect a Building (two-story, storage facility with 5,000sf of ground floor area). APPLICATION NO. 200908074397S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Peterson dissented) to continue the matter to June 8, 2011 to allow the parties time to discuss settlement. No additional briefing is allowed. The parties will be given three minutes for additional argument at hearing.

SPEAKERS: John Cheong, appellant; Ann Jung, appellant; Rodrigo Santos, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Barry Taranto spoke in support of the appellants.

(10) **APPEAL NO. 11-031**

MARTIN MACK'S BAR & RESTAURANT, Appellant(s) vs. ZONING ADMINISTRATOR	1566-1568 Haight Street, aka 1576-1580 Haight Street. Appealing a Notice of Violation and Penalty dated August 24, 2009, addressed to Maybelle Schumacher Trust and Martin Mack's Bar & Restaurant, regarding the illegal expansion of restaurant and bar space without the required Conditional Use (CU) authorization, and violation of the conditions of approval from a previous CU authorization. JURISDICTION GRANTED MARCH 09, 2011. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and reduce the penalty to $100 per day, to run from September 8, 2009 to November 24, 2009.

SPEAKERS: Brian Molony, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:55 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 18, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 11, 2011 minutes.

(4) **SPECIAL ITEM:**

Discussion and adoption of a resolution honoring Laurence Kornfield of the Dept. Building Inspection for his many years of service as DBI's representative to the Board of Appeals.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 156 – 27th Avenue. Letter from Natasha Ernst, attorney for NextG Networks of California Inc., Permit Holder, requesting rehearing of Appeal No. 11-004, Cooper vs. DPW BSM. On March 16, 2011, the Board voted to revoke the subject Wireless Box Permit (No. 10WR-0021), and on April 20, 2011, the Board voted to adopt findings as amended. Appellants: Jeff & Nicole Cooper.

(6) **APPEAL NO. 11-040**

FOSTER INTERSTATE MEDIA, INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	926 Howard Street. Appealing a Revocation Request dated March 11, 2011, addressed to DBI Director Vivian Day, which requests that BPA No. 2011/01/18/8510 be revoked because it was issued over-the-counter without Planning Department review. Permit is to obtain final inspection for work approved under BPA No. 9923329 to install a painted wall general advertising sign. FOR HEARING TODAY.

(7) **APPEAL NO. 11-034**

ANTOINETTE LAMA dba " CHUCK'S STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	249 Cortland Avenue. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-16. FOR HEARING TODAY.

(8) **APPEAL NO. 11-036**

ABDO SALEH dba "ISLAND MARKET DELI", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2 Avenue of the Palms, Bldg. 146, Treasure Island. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-17. FOR HEARING TODAY.

(9) **APPEAL NO. 11-037**

RAED YASER dba "WHITE PALACE LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1524 Silver Avenue. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-13. FOR HEARING TODAY.

(10) **APPEAL NO. 11-042**

SALEH M. ALDOHMI dba "U.S. SMOKE SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	415 Ellis Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-19. FOR HEARING TODAY.

ADJOURNMENT.

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 13, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

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BOARD OF APPEALS
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 18, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Dan Sider, Senior Planner, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Rassendyll Dennis, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Michael Garcia.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Barbara Thomson spoke about Board procedures and the adherence to them by the Office of the City Attorney. She also asked that the Board more closely follow Robert's Rules of Order.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Peterson announced that she will be absent for the July 20, 2011 Board meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 11, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Vice President Garcia absent) to adopt the May 11, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Discussion and adoption of a resolution honoring Laurence Kornfield of the Dept. Building Inspection for his many years of service as DBI's representative to the Board of Appeals.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Garcia absent) to adopt the resolution.

SPEAKERS: None.

PUBLIC COMMENT: David Pilpel spoke of his appreciation for Mr. Kornfield and his service to the Board.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 156 – 27th Avenue. Letter from Natasha Ernst, attorney for NextG Networks of California Inc., Permit Holder, requesting rehearing of Appeal No. 11-004, Cooper vs. DPW BSM. On March 16, 2011, the Board voted to revoke the subject Wireless Box Permit (No. 10WR-0021), and on April 20, 2011, the Board voted to adopt findings as amended. Appellants: Jeff & Nicole Cooper.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Garcia absent) to deny the request.

SPEAKERS: Natasha Ernst, attorney for requestor; Jeff Cooper, appellant; Rassendyll Dennis, DPW, BSM.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-040**

FOSTER INTERSTATE MEDIA, INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	926 Howard Street. Appealing a Revocation Request dated March 11, 2011, addressed to DBI Director Vivian Day, which requests that BPA No. 2011/01/18/8510 be revoked because it was issued over-the-counter without Planning Department review. Permit is to obtain final inspection for work approved under BPA No. 9923329 to install a painted wall general advertising sign. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 2-2-1 (President Goh and Commissioner Fung dissented, Vice President Garcia absent) to grant the appeal and overturn the Request for Revocation on the basis that the Zoning Administrator erred or abused his discretion. Lacking the four votes needed to pass, the motion failed. With no further motion made, the Revocation Request is upheld by operation of law.

SPEAKERS: Sarah Owsowitz, attorney for appellant; Dan Sider, Planning Department; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-034**

ANTOINETTE LAMA dba " CHUCK'S STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	249 Cortland Avenue. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-16. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-0-1 (Vice President Garcia absent) to grant the appeal and reduce the suspension to 20 days.

SPEAKERS: Antoinette Lama, appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: Barbara Thomson spoke in support of the appellant.

(8) **APPEAL NO. 11-036**

ABDO SALEH dba "ISLAND MARKET DELI", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2 Avenue of the Palms, Bldg. 146, Treasure Island. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-17. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Vice President Garcia absent) to reschedule the matter to May 25, 2011.

SPEAKERS: Roni Rotholz, attorney for appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 11-037**

RAED YASER dba "WHITE PALACE LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1524 Silver Avenue. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-13. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 3-1-1 (Commissioner Fung dissented, Vice President Garcia absent) to deny the appeal and uphold the 25 day suspension.

SPEAKERS: Raed Yaser, appellant; Louay Shihadih, agent for appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 11-042**

SALEH M. ALDOHMI dba "U.S. SMOKE SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	415 Ellis Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-19. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Garcia absent) to grant the appeal and reduce the suspension to 20 days.

SPEAKERS: Saleh Aldohmi, appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:10 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 25, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 18, 2011 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3382 Clay Street. Letter from Jonathan Sacks and Evelyn Louie, requestors, asking that the Board take jurisdiction over BPA No. 2009/12/18/3506S, which was issued on July 06, 2010. The appeal period ended on July 21, 2010, and the jurisdiction request was received at the Board office on May 03, 2011. Permit Holder: Peter Mezey. Project: elevator hoistway and elevator at rear/side of structure; relocate jome ladder to north corner of building.

(5) **APPEAL NO. 11-036**

ABDO SALEH dba "ISLAND MARKET DELI", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2 Avenue of the Palms, Bldg. 146, Treasure Island. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-17. FOR HEARING TODAY.

(6) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. PUBLIC HEARING HELD ON JAN. 19, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: On Jan. 19, 2011 the matter was continued to allow time for DPW to submit additional information pursuant to the Board's comments. On March 23, 2011 the matter was continued further to allow time for the permit holder (USF) to provide the Board with copies of permits obtained for the retaining wall constructed in 2004 and the trees removed in association with this construction; permit holder may submit additional briefing of up to two pages.**

(7) **APPEAL NO. 10-131**

IKE'S PLACE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DENMAN DROBISCH	3506 – 16th Street aka 282 Sanchez Street. Appealing a Notice of Violation and Penalty dated July 13, 2010, regarding an allegation of illegal commercial activities at the subject property. JURISDICTION GRANTED NOV. 17, 2010. PUBLIC HEARING HELD ON APRIL 06, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: on March 23, 2011 the matter was continued to allow time for the appellant to review the subject property owner's brief. On April 06, 2011 the matter was continued further so that the missing Commissioner could participate in the final vote.**

(8) **APPEAL NO. V11-035**

VICTORIA RIDEOUT & LORRAINE ANDERSON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	161-165 Newman Street. Appealing the denial on March 15, 2011, of Lot Area, Rear Yard and Usable Open Space Variances (subdivide subject lot into two individual lots; improve each lot with a single-family dwelling; demolition and reconstruction of existing stairway). VARIANCE CASE NO. 2010.0467V. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **May 20, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 25, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Richard Lee, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Barbara Thomson spoke about the Board's adherence to its Rules, Robert's Rules of Order and the San Francisco Charter, and requested that the Board Comply with these measures. She provided a written copy of her statement for the Board's records.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 18, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the May 18, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3382 Clay Street. Letter from Jonathan Sacks and Evelyn Louie, requestors, asking that the Board take jurisdiction over BPA No. 2009/12/18/3506S, which was issued on July 06, 2010. The appeal period ended on July 21, 2010, and the jurisdiction request was received at the Board office on May 03, 2011. Permit Holder: Peter Mezey. Project: elevator hoistway and elevator at rear/side of structure; relocate jome ladder to north corner of building.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-2 (President Goh and Commissioner Fung dissented) to deny the request.

SPEAKERS: Jonathan Sacks, requestor; Steve Vettel, attorney for permit holder; Peter Mezey, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-036**

ABDO SALEH dba "ISLAND MARKET DELI", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2 Avenue of the Palms, Bldg. 146, Treasure Island. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 09, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-17. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-2 (President Goh and Commissioner Hwang dissented) to grant the appeal and reduce the suspension to 20 days. Lacking the four votes needed to pass, the motion failed. With no further motion made, the twenty-five day suspension is upheld by operation of law.

SPEAKERS: Roni Rotholz, attorney for permit holder; Richard Lee, DPH.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. PUBLIC HEARING HELD ON JAN. 19, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: On Jan. 19, 2011 the matter was continued to allow time for DPW to submit additional information pursuant to the Board's comments. On March 23, 2011 the matter was continued further to allow time for the permit holder (USF) to provide the Board with copies of permits obtained for the retaining wall constructed in 2004 and the trees removed in association with this construction; permit holder may submit additional briefing of up to two pages.**

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to continue this matter to June 29, 2011 to allow the parties time to further discuss settlement.

SPEAKERS: Harry O'Brien, attorney for permit holder; Richard Rabbitt, appellant; John Kwong, DPW, BSM.

PUBLIC COMMENT: Kris Schaeffer, Martin MacIntyre and Jeanne Quock spoke in support of the appellant.

(7) **APPEAL NO. 10-131**

IKE'S PLACE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DENMAN DROBISCH	3506 – 16th Street aka 282 Sanchez Street. Appealing a Notice of Violation and Penalty dated July 13, 2010, regarding an allegation of illegal commercial activities at the subject property. JURISDICTION GRANTED NOV. 17, 2010. PUBLIC HEARING HELD ON APRIL 06, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: on March 23, 2011 the matter was continued to allow time for the appellant to review the subject property owner's brief. On April 06, 2011 the matter was continued further so that the missing Commissioner could participate in the final vote.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and reduce the penalty to $150 per day.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. V11-035**

VICTORIA RIDEOUT & LORRAINE ANDERSON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	161-165 Newman Street. Appealing the denial on March 15, 2011, of Lot Area, Rear Yard and Usable Open Space Variances (subdivide subject lot into two individual lots; improve each lot with a single-family dwelling; demolition and reconstruction of existing stairway). VARIANCE CASE NO. 2010.0467V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-1 (President Goh dissented) to grant the appeal and overturn the Zoning Administrator on the condition that a Notice of Special Restrictions be recorded on the land records for the property to require that (1) both properties be limited to single family dwellings; and (2) there be no envelope expansion. Findings are to be adopted at a later time, including a finding that the Zoning Administrator erred or abused his discretion.

SPEAKERS: Victoria Rideout, appellant; Lorraine Anderson, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Andre Rothblatt, Anne Cesar and Brian Kurtz spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:30 p.m.

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Today

Victor.Pac... 10:09 ...
NO BOA MEETING J...

NO BOA MEETING JUNE 01, 2011

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, May 27, 2011 10:09 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Dan.Sider@sfgov.org; Edward.Sweeney@sfgov.org; Laurence.Kornfield@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for June 01, 2011. The next regular meeting is scheduled for WEDNESDAY, JUNE 08, 2011, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: May 27, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 08, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 25, 2011 minutes.

05-03-11 P1

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 757-759 Natoma Street. Letter from Raquel Fox, attorney for Cesar Zambrano et al., requestors, asking that the Board take jurisdiction over BPA No. 2010/10/27/3828, which was issued on Dec. 10, 2010. The appeal period ended on Dec. 27, 2010, and the jurisdiction request was received at the Board office on May 19, 2011. Permit Holder: Nader Heydayian. Project: convert storage to new three-car garage at 1st floor; enclose one light well at 1st floor; kitchen remodeling in all units; add one new bathroom in all units; foundation replacement; and posts removal at 1st floor.

(5) **APPEAL NO. 11-046**

MOHAMED HUMRAN dba "KING MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	94 Turk Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 24, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-18. FOR HEARING TODAY.

(6) **APPEAL NO. 11-047**

KAYED M. KAYED dba "FRISCO FITTED", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5009 3rd Street. Appealing a one (1) year revocation of a Permit to Operate a Tattoo and Body Piercing Parlor, imposed on March 15, 2011. Reason(s) for suspension: violation of San Francisco Health Code §258; California Penal Code §§639-653 and California Health and Safety Code §119305 . DIRECTOR'S CASE NO. BA-11-01. FOR HEARING TODAY.

(7) **APPEAL NO. 11-030**

ANN L. JUNG & JOHN CHEONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1261-1263 Connecticut Street. Protesting the issuance on Feb. 25, 2011, to Murphy Trust, Permit to Erect a Building (two-story, storage facility with 5,000sf of ground floor area). APPLICATION NO. 200908074397S. PUBLIC HEARING HELD ON MAY 11, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations; additional testimony is allowed at three minutes per party.**

(8) **APPEAL NO. 11-051**

QUINTIN MECKE III, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	401 Divisadero Street. Protesting the issuance on March 24, 2011 to John Brennan, Permit to Alter a Building (relocate exterior ATM to interior vestibule; revision to BPA No. 2010/10/18/3214). APPLICATION NO. 2011/03/21/2452. FOR HEARING TODAY.

ITEMS (9A), (9B) & (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 10-118**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,240sf of ground floor area). APPLICATION NO. 2008/05/06/1381S. FOR HEARING TODAY. **Note: On Jan. 12, 2011, the Board voted 4-0 to reschedule all three appeals to the Call of the Chair pending the outcome of a related CEQA appeal to the Board of Supervisors.**

(9B) **APPEAL NO. 10-119**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	213 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,303sf of ground floor area). APPLICATION NO. 2008/05/06/1387S. FOR HEARING TODAY.

(9C) **APPEAL NO. 10-120**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	203 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,302sf of ground floor area). APPLICATION NO. 2008/05/06/1388S. FOR HEARING TODAY.

(10) **APPEAL NO. V11-050**

THOMAS M. BALLINGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260-264 Mullen Avenue. Protesting the granting on March 25, 2011, to Kelly Kryc et al., Lot Size Variance (adjust property line between two single-family homes to follow existing wood fence resulting in Lot 1 being 1,088sf and Lot 26 being 1,519sf, with conditions; no physical alterations). VARIANCE CASE NO. 2010.0817V. FOR HEARING TODAY.

(11) **APPEAL NO. 11-063**

LEESA KOZEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1039 Green Street. Protesting the issuance on April 06, 2011 to Bart Murphy, Permit to Alter a Building (merge three-unit residence into two-unit residence; new four-story side yard addition; remodel each floor; top unit to include kitchen remodel and new master bathroom; lower unit to include kitchen remodel; new decks at 2nd and 3rd floors). APPLICATION NO. 2008/10/16/4303S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 03, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the pubic record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 08, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez Zoning Administrator (ZA); Tom Venizelos, Senior Building Inspector, Department of Building Inspection (DBI); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Chris Hwang.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 25, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the May 25, 2011 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 757-759 Natoma Street. Letter from Raquel Fox, attorney for Cesar Zambrano et al., requestors, asking that the Board take jurisdiction over BPA No. 2010/10/27/3828, which was issued on Dec. 10, 2010. The appeal period ended on Dec. 27, 2010, and the jurisdiction request was received at the Board office on May 19, 2011. Permit Holder: Nader Heydayian. Project: convert storage to new three-car garage at 1st floor; enclose one light well at 1st floor; kitchen remodeling in all units; add one new bathroom in all units; foundation replacement; and posts removal at 1st floor.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the request.

SPEAKERS: Maxwell Eberitzsch, agent for appellants; Janet Brayer, attorney for permit holder; Nader Heydayian, permit holder; Tom Venizelos, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-046**

MOHAMED HUMRAN dba "KING MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	94 Turk Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 24, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-011-18. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and reduce the suspension to twenty days.

SPEAKERS: Mohamed Humran, appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

6) **APPEAL NO. 11-047**

KAYED M. KAYED dba "FRISCO FITTED", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5009 3rd Street. Appealing a one (1) year revocation of a Permit to Operate a Tattoo and Body Piercing Parlor, imposed on March 15, 2011. Reason(s) for suspension: violation of San Francisco Health Code §258; California Penal Code §§639-653 and California Health and Safety Code §119305 . DIRECTOR'S CASE NO. BA-11-01. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the one year revocation based on the Code violations set forth in the March 15, 2011 DPH Hearing Officer's Order.

SPEAKERS: Appellant did not appear; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-030**

ANN L. JUNG & JOHN CHEONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1261-1263 Connecticut Street. Protesting the issuance on Feb. 25, 2011, to Murphy Trust, Permit to Erect a Building (two-story, storage facility with 5,000sf of ground floor area). APPLICATION NO. 200908074397S. PUBLIC HEARING HELD ON MAY 11, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations; additional testimony is allowed at three minutes per party.**

ACTION: Upon motion by Vice President Garcia, the Board voted 2-2-1 (President Goh and Commissioner Fung dissented, Commissioner Hwang absent) to deny the appeal and uphold the permit. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit is upheld by operation of law.

SPEAKERS: John Cheong, appellant; Ann Jung, appellant; Michael Ware, agent for permit holder; Scott Sanchez, ZA; Tom Venizelos, DBI.

PUBLIC COMMENT: Barry Taranto spoke in support of the appellants.

(8) **APPEAL NO. 11-051**

QUINTIN MECKE III, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	401 Divisadero Street. Protesting the issuance on March 24, 2011 to John Brennan, Permit to Alter a Building (relocate exterior ATM to interior vestibule; revision to BPA No. 2010/10/18/3214). APPLICATION NO. 2011/03/21/2452. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-1-1 (President Goh dissented, Commissioner Hwang absent) to deny the appeal and uphold the permit on the basis that the permit complies with the Planning Code.

SPEAKERS: Quintin Mecke, appellant; Christine Griffith, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Dean Preston, Gus Hernandez, Amy Weiss, David Tornheim and Martin MacKerel spoke in support of the appellant; Owen O'Donnell, Joe O'Donoghue and Michael Musleh spoke in support of the permit holder.

ITEMS (9A), (9B) & (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 10-118**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,240sf of ground floor area). APPLICATION NO. 2008/05/06/1381S. FOR HEARING TODAY. **Note: On Jan. 12, 2011, the Board voted 4-0 to reschedule all three appeals to the Call of the Chair pending the outcome of a related CEQA appeal to the Board of Supervisors.**

(9B) **APPEAL NO. 10-119**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	213 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,303sf of ground floor area). APPLICATION NO. 2008/05/06/1387S. FOR HEARING TODAY.

(9C) **APPEAL NO. 10-120**

SINA TARASSOLY & MAIDA TAYLOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	203 Los Palmos Drive. Protesting the issuance on Oct. 07, 2010, to Xiang Si Lei, Permit to Erect a Building (three-story, single-family house with 1,302sf of ground floor area). APPLICATION NO. 2008/05/06/1388S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeals and uphold the permits.

SPEAKERS: Maida Taylor, appellant; Ed Kelly, agent for appellant; Brett Gladstone, attorney for permit holder; Jeremy Schaub, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Paul Mickelson, MJ Parker, Robert Bodlak and Carmen Marron spoke in support of the appellants.

(10) **APPEAL NO. V11-050**

THOMAS M. BALLINGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260-264 Mullen Avenue. Protesting the granting on March 25, 2011, to Kelly Kryc et al., Lot Size Variance (adjust property line between two single-family homes to follow existing wood fence resulting in Lot 1 being 1,088sf and Lot 26 being 1,519sf, with conditions; no physical alterations). VARIANCE CASE NO. 2010.0817V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the variance on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Tom Ballinger, appellant; Kelly Kryc, variance holder; Daniel Frattin, attorney for variance holder; Scott Sanchez, ZA; Tom Venizelos, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 11-063**

LEESA KOZEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1039 Green Street. Protesting the issuance on April 06, 2011 to Bart Murphy, Permit to Alter a Building (merge three-unit residence into two-unit residence; new four-story side yard addition; remodel each floor; top unit to include kitchen remodel and new master bathroom; lower unit to include kitchen remodel; new decks at 2nd and 3rd floors). APPLICATION NO. 2008/10/16/4303S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and uphold the permit, on the condition that construction may only take place Monday through Friday, 7:30 a.m. – 6:30 p.m.

SPEAKERS: Leesa Kozel, appellant; Bart Murphy, permit holder; Scott Sanchez, ZA; Tom Venizelos, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 9:45 p.m.

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Today

Victor.Pac... 9:36 AM
PUBLIC NOTICE

PUBLIC NOTICE

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, June 10, 2011 9:36 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Dan.Sider@sfgov.org; Edward.Sweeney@sfgov.org; Vivian.Day@sfgov.org;

PUBLIC NOTICE

The Board of Appeals has CANCELLED the meeting of June 15, 2011.

The next regular meeting is scheduled for WEDNESDAY, JUNE 22, 2011, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: June 10, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 22, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 08, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 249 Cortland Avenue. Letter from Antoinette Lama, appellant, requesting rehearing of Appeal No. 11-034, Lama dba "Chuck's Store" vs. DPH, decided on May 18, 2011. At that time, the Board voted 4-0 to grant the appeal, and reduce the suspension of the tobacco sales permit to twenty (20) days.

(4b) **REHEARING REQUEST:**

Subject property at 1524 Silver Avenue. Letter from Raed Yaser, appellant, requesting rehearing of Appeal No. 11-037, Yaser dba "White Palace Liquor" vs. DPH, decided on May 18, 2011. At that time, the Board voted 3-1 to deny the appeal, and uphold the 25-day suspension of the tobacco sales permit.

(4c) **JURISDICTION REQUEST:**

Subject property at 262 Madison Street. Letter from Joseph Avendano, requestor, asking that the Board take jurisdiction over BPA No. 2007/11/07/7585, which was issued on April 15, 2011. The appeal period expired on May 02, 2011 and the jurisdiction request was received at the Board office on June 03, 2011. Permit Holder: Ezio Gagliardi. Project: construct three-story single family dwelling.

(5) **APPEAL NO. 11-029**

ARTHUR & LOUISE PATTERSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3355 Pacific Avenue. Protesting the issuance on Feb. 25, 2011, to Jeffrey Ubben, Permit to Alter a Building (new roof top deck, new stair and stair enclosure, new skylight on roof, no interior construction). APPLICATION NO. 201006285457S. FOR HEARING TODAY.

(6) **APPEAL NO. 11-056**

GOLDEN GATE VALLEY NEIGHBORHOOD ASSOC., SHIRLEY JACOBS, JEFFERY LEE & MEGAN CHECHILE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1787 Union Street. Protesting the issuance on April 04, 2011 to KAP Investment LLC, Permit to Alter a Building (revision to BPA No. 2010/02/02/5765 for exterior patio and submitting Planning Code §312 notification for new patio). APPLICATION NO. 2010/06/04/3920. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 16, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) In all cases, the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) In all cases, the Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 22, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Kendall Goh.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 08, 2011 minutes.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to adopt the June 8, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 249 Cortland Avenue. Letter from Antoinette Lama, appellant, requesting rehearing of Appeal No. 11-034, Lama dba "Chuck's Store" vs. DPH, decided on May 18, 2011. At that time, the Board voted 4-0 to grant the appeal, and reduce the suspension of the tobacco sales permit to twenty (20) days.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to deny the rehearing request.

SPEAKERS: Antoinette Lama, requestor; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: Barbara Thomson spoke in support of the requestor.

(4b) REHEARING REQUEST:

Subject property at 1524 Silver Avenue. Letter from Raed Yaser, appellant, requesting rehearing of Appeal No. 11-037, Yaser dba "White Palace Liquor" vs. DPH, decided on May 18, 2011. At that time, the Board voted 3-1 to deny the appeal, and uphold the 25-day suspension of the tobacco sales permit.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to deny the rehearing request.

SPEAKERS: Raed Yaser, requestor; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: Barbara Thomson spoke in support of the requestor.

(4c) JURISDICTION REQUEST:

Subject property at 262 Madison Street. Letter from Joseph Avendano, requestor, asking that the Board take jurisdiction over BPA No. 2007/11/07/7585, which was issued on April 15, 2011. The appeal period expired on May 02, 2011 and the jurisdiction request was received at the Board office on June 03, 2011. Permit Holder: Ezio Gagliardi. Project: construct three-story single family dwelling.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to deny the jurisdiction request.

SPEAKERS: Ezio Gagliardi, permit holder; Scott Sanchez, ZA; the requestor did not appear.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-029**

ARTHUR & LOUISE PATTERSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3355 Pacific Avenue. Protesting the issuance on Feb. 25, 2011, to Jeffrey Ubben, Permit to Alter a Building (new roof top deck, new stair and stair enclosure, new skylight on roof, no interior construction). APPLICATION NO. 201006285457S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to reschedule this matter to July 13, 2011 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-056**

GOLDEN GATE VALLEY NEIGHBORHOOD ASSOC., SHIRLEY JACOBS, JEFFERY LEE & MEGAN CHECHILE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1787 Union Street. Protesting the issuance on April 04, 2011 to KAP Investment LLC, Permit to Alter a Building (revision to BPA No. 2010/02/02/5765 for exterior patio and submitting Planning Code §312 notification for new patio). APPLICATION NO. 2010/06/04/3920. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to continue this matter to August 10, 2011, to allow the permit holder time to undertake a technical analysis of the noise levels generated by his business and to come back to the Board with proposed mitigation measures. Additional briefing is allowed at six pages per party with unlimited exhibits. Permit holder's brief is due July 28, 2011 and appellant's brief is due August 4, 2011.

SPEAKERS: Megan Chechile, appellant; Jeffrey Lee, appellant; Alix Rosenthal, attorney for permit holder; Darren Matte, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Terry Morrison, Jerry Czember, Alex Wagstaff, Louis Legnitto, Sherry Kramm, Melinda Cardwell, Jim Connelly, Donna Morrison, Joan Wood and Patricia Vaughey spoke in support of the appellant.

Josh Spiegelman, Benjamin Stafford, Marc St. Raymond, Matt Seliga, Dina Eppley and Aneel Ranadine spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, Vice President Garcia adjourned the meeting at 7:42 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 29, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 22, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 161-165 Newman Street. Appeal No. V11-035, Rideout & Anderson vs. ZA, decided May 25, 2011. At that time, the Board voted 4-1 to grant the appeal, overrule the denial, grant the variances on condition that a Notice of Special Restrictions be filed against the property records which limits both properties to a single-family dwelling and no further envelope expansion, and with findings and further conditions to be adopted at a later time. Appellants: Victoria Rideout & Lorraine Anderson.

(5) **APPEAL NO. 11-070**

FRANZ VON UCKERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1354 York Street. Appealing the imposition of penalty on May 12, 2011, for construction work done without a permit. APPLICATION NO. 2011/05/12/5925. FOR HEARING TODAY.

(6) **APPEAL NO. 11-073**

IRENE ACOSTA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Walter Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2011/05/17/6214. FOR HEARING TODAY.

(7) **APPEAL NO. 11-043**

PAGE GROUP LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1138-1140 Page Street. Protesting the issuance on March 16, 2011, of a Permit to Alter a Building (addition and substantial alteration to existing two-story single-family dwelling of type V-B. The two-story vertical addition and horizontal addition at rear will result in a four-story, four-unit residential building of type V-A wood construction. New mechanical, electrical and plumbing also included). APPLICATION NO. 2009/11/03/0476S. FOR HEARING TODAY.

(8) **APPEAL NO. 11-049**

GUANG QUN MAX CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2955 - 26th Street. Appealing the denial on March 25, 2011, of Permit to Alter a Building (comply with NOV 200565040; remove illegal unit per plans, legalize rooms and bathroom at ground floor; interior remodel and horizontal addition at NW corner of building). APPLICATION NO. 2010/11/23/5526. FOR HEARING TODAY.

(9) **APPEAL NO. 11-053**

BRETT POFFENBARGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	650 - 2nd Street. Appealing a Letter of Determination dated March 30, 2011, addressed to Stephen Stept, regarding whether a new stair penthouse and roof deck may be constructed, and the permitted height of a glass 'wind screen' wall and skylights, at the subject property. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **June 24, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	**PRESIDENT**
MICHAEL GARCIA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
CHRIS HWANG	**COMMISSIONER**
TANYA PETERSON	**COMMISSIONER**

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

June 29, 2011

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 29, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Dan Sider, Senior Planner, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Kendall Goh.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 22, 2011 minutes.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to adopt the June 22, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 161-165 Newman Street. Appeal No. V11-035, Rideout & Anderson vs. ZA, decided May 25, 2011. At that time, the Board voted 4-1 to grant the appeal, overrule the denial, grant the variances on condition that a Notice of Special Restrictions be filed against the property records which limits both properties to a single-family dwelling and no further envelope expansion, and with findings and further conditions to be adopted at a later time. Appellants: Victoria Rideout & Lorraine Anderson.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-070**

FRANZ VON UCKERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1354 York Street. Appealing the imposition of penalty on May 12, 2011, for construction work done without a permit. APPLICATION NO. 2011/05/12/5925. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Hwang dissented, President Goh absent) to grant the appeal and reduce the penalty to five times the permit fee, based on the fact that the work was fairly minor, the appellant thought the matter had been resolved and the Department of Building Inspection incurred significant expenses to address the violation. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to continue this matter to August 17, 2011 to allow the absent Commissioner to participate in deciding the appeal.

SPEAKERS: Franz Von Uckerman, appellant; Bob Noelke, agent for appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-073**

IRENE ACOSTA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Walter Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2011/05/17/6214. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to grant the appeal and reduce the penalty to two times the permit fee, based on the appellant's economic hardship and her belief that she was using an experienced contractor.

SPEAKERS: Irene Acosta, appellant; Joseph Duffy, DBI; Dan Sider, PD.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-043**

PAGE GROUP LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1138-1140 Page Street. Protesting the issuance on March 16, 2011, of a Permit to Alter a Building (addition and substantial alteration to existing two-story single-family dwelling of type V-B. The two-story vertical addition and horizontal addition at rear will result in a four-story, four-unit residential building of type V-A wood construction. New mechanical, electrical and plumbing also included). APPLICATION NO. 2009/11/03/0476S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to grant the appeal and uphold the permit based on a finding that the project is not a demolition and complies with the Planning Code, and on the condition that hours of construction be limited to Monday through Friday, 7:30 a.m. to 5:30 p.m., and Saturday, 8:30 a.m. to 5:30 p.m.

SPEAKERS: Anna Shimko, attorney for appellant; Alice Barkley, attorney for Subject Property Owner; Mike Cassidy, Subject Property Owner; Joseph Duffy, DBI; Dan Sider, PD.

PUBLIC COMMENT: Richie Hart, Angus McCarthy, John O'Connor and Sean Keighran spoke in support of the permit holder. Inéz Gomez spoke in support of the appellant.

(8) **APPEAL NO. 11-049**

GUANG QUN MAX CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2955 - 26th Street. Appealing the denial on March 25, 2011, of Permit to Alter a Building (comply with NOV 200565040; remove illegal unit per plans, legalize rooms and bathroom at ground floor; interior remodel and horizontal addition at NW corner of building). APPLICATION NO. 2010/11/23/5526. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-0-1 (President Goh absent) to deny the appeal and uphold the denial of the permit solely on the basis that the project had not yet undergone the required Planning Code Section 311 neighborhood notification. The Board found that appellant may reapply for the subject permit to complete the required neighborhood notification, whether or not one year has passed, because the notification would constitute "changed circumstances" under Bus. & Tax Reg. Code Article 1, Section 31.

SPEAKERS: Max Chen, appellant; Dan Sider, PD.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 11-053**

BRETT POFFENBARGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	650 - 2nd Street. Appealing a Letter of Determination dated March 30, 2011, addressed to Stephen Stept, regarding whether a new stair penthouse and roof deck may be constructed, and the permitted height of a glass 'wind screen' wall and skylights, at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-0-1 (President Goh absent) to continue this matter to August 24, 2011, to allow the parties time to discuss alternative plan designs. No additional briefing is allowed.

SPEAKERS: Brett Poffenbarger, appellant; Steven Stept, agent for appellant; Dan Sider, PD.

PUBLIC COMMENT: Danelle Guthrie spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Garcia adjourned the meeting at 8:50 p.m.

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Today

Victor.Pac... 11:58 ...
PUBLIC NOTICE

PUBLIC NOTICE

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Thursday, June 30, 2011 11:58 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; Tina.Tam@sfgov.org; Dan.Sider@sfgov.org; Edward.Sweeney@sfgov.org; Vivian.Day@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for July 06, 2011. The next regular meeting is scheduled for WEDNESDAY, JULY 13, 2011, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: June 30, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 13, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 29, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3367 – 21st Street. Letter from Harlan Hoffman, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2011/12/16/6852, which was issued on Dec. 16, 2010. The appeal period ended on Dec. 31, 2010, and the jurisdiction request was received at the Board office on June 22, 2011. Permit Holder: Virginia Smith-Russack. Project: comply with NOV No. 201056869; remove existing walls; remove kitchen; reconfigure layout at ground floor adding two bathrooms and office; stair work and landing as per plan.

(4b) **JURISDICTION REQUEST:**

Subject property at 536 Golden Gate Avenue. Letter from Sohel Subedar, requestor, asking that the Board take jurisdiction over Plumbing Permit Application No. PP2011/06/01/556 for the purpose of filing a penalty appeal. Permit was issued on June 01, 2011; the appeal period ended on June 16, 2011; and the jurisdiction request was received at the Board office on June 24, 2011. Project: comply with NOV No. 20106350; legalize plumbing work done without permit.

(5) **SPECIAL ITEM:**

Subject property at 2344 Market Street. Letter from Jeremy Paul, agent for Greg Bronstein, requestor, asking that the Board set aside its decision after default of May 11, 2011, whereby the Board declined to take jurisdiction over a Notice of Violation and Penalty issued by the Zoning Administrator. NOV&P: dated May 07, 2010, regarding noncompliance with conditions of approval requiring all noise to be contained within the facility.

(6) **APPEAL NO. 11-065**

JIM FLANAGAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	124 Lower Terrace. Protesting the issuance on November 15, 2010, to NextG Network, Inc., Wireless Box Permit. PERMIT NO. 10WR-0079 JURISDICTION GRANTED APRIL 20, 2011. FOR HEARING TODAY.

(7) **APPEAL NO. 11-078**

JEANNETTE M. HARRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	331 Spruce Street. Protesting the issuance on May 27, 2011, to Rae Cheng, Permit to Alter a Building (new mezzanine at 4th floor; new habitable space at 1st floor; seismic upgrade; fire sprinkler mezzanine and 1st floor; new property line windows; new French doors at rear and metal guardrail; remodel kitchens and bathroom; provide four new bathrooms). APPLICATION NO. 2011/03/10/1833. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 08, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the

public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

July 13, 2011

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 13, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Kendall Goh.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 29, 2011 minutes.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to adopt the June 29, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3367 – 21st Street. Letter from Harlan Hoffman, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2011/12/16/6852, which was issued on Dec. 16, 2010. The appeal period ended on Dec. 31, 2010, and the jurisdiction request was received at the Board office on June 22, 2011. Permit Holder: Virginia Smith-Russack. Project: comply with NOV No. 201056869; remove existing walls; remove kitchen; reconfigure layout at ground floor adding two bathrooms and office; stair work and landing as per plan.

Withdrawn by Requestor.

(4b) **JURISDICTION REQUEST:**

Subject property at 536 Golden Gate Avenue. Letter from Sohel Subedar, requestor, asking that the Board take jurisdiction over Plumbing Permit Application No. PP2011/06/01/556 for the purpose of filing a penalty appeal. Permit was issued on June 01, 2011; the appeal period ended on June 16, 2011; and the jurisdiction request was received at the Board office on June 24, 2011. Project: comply with NOV No. 20106350; legalize plumbing work done without permit.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to grant jurisdiction based on the fact that the City's appeal process was not made clear to the permit holder.

SPEAKERS: Sohel Subedar, requestor; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **SPECIAL ITEM:**

Subject property at 2344 Market Street. Letter from Jeremy Paul, agent for Greg Bronstein, requestor, asking that the Board set aside its decision after default of May 11, 2011, whereby the Board declined to take jurisdiction over a Notice of Violation and Penalty issued by the Zoning Administrator. NOV&P: dated May 07, 2010, regarding noncompliance with conditions of approval requiring all noise to be contained within the facility.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Goh absent) to grant the request to set aside the Board's May 11, 2011 decision after default, and to schedule a hearing on the Jurisdiction Request for August 10, 2011.

SPEAKERS: Jeremy Paul, requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: Alan Beach Nelson spoke in support of the Zoning Administrator.

(6) **APPEAL NO. 11-065**

JIM FLANAGAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	124 Lower Terrace. Protesting the issuance on November 15, 2010, to NextG Network, Inc., Wireless Box Permit. PERMIT NO. 10WR-0079 JURISDICTION GRANTED APRIL 20, 2011. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-1-1 (Commissioner Hwang dissented, President Goh absent) to deny the appeal on the basis that it underwent the Planning Department review required by the law that applied to the permit application.

SPEAKERS: Jim Flanagan, appellant; Natasha Ernst, agent for permit holder; John Kwong, DPW, BSM; Scott Sanchez, ZA.

PUBLIC COMMENT: Jim Shay spoke in support of the appellant.

(7) **APPEAL NO. 11-078**

JEANNETTE M. HARRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	331 Spruce Street. Protesting the issuance on May 27, 2011, to Rae Cheng, Permit to Alter a Building (new mezzanine at 4th floor; new habitable space at 1st floor; seismic upgrade; fire sprinkler mezzanine and 1st floor; new property line windows; new French doors at rear and metal guardrail; remodel kitchens and bathroom; provide four new bathrooms). APPLICATION NO. 2011/03/10/1833. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (President Goh absent) to grant the appeal and uphold the permit on the condition that the new north property line window be removed from the plans.

SPEAKERS: Jeannette Harris, appellant; Bill Bronson, agent for appellant; Bill Pashelinsky, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Mervyn Silberberg spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Garcia adjourned the meeting at 7:40 p.m.

MEETING CANCELLED

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, July 15, 2011 11:23 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; TinaTam@sfgov.org; Dan.Sider@sfgov.org; Edward.Sweeney@sfgov.org; Vivian.Day@sfgov.org; Joseph.Duffy@sfgov.org; Patrick.O'Riordan@sfgov.org; Thomas.Venizelos@sfgov.org; Steven.Panelli@sfgov.org; Cynthia.Goldstein@SFGOV.ORG; Judy.Boyajian@sfgov.org; Francesca.Gessner@sfgov.org; Matthew.Goudeau@SFGOV.ORG; Nicole.Wheaton@sfgov.org

PUBLIC NOTICE

The Board of Appeals has CANCELLED the meeting of July 20, 2011. The next regular meeting is scheduled for WEDNESDAY, JULY 27, 2011, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

SF
ABO
#2
7/20/11
cancelled

Sincerely,

BOARD STAFF

Date Posted: July 15, 2011

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
Phone: 575-6880
Fax: 575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 27, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 13, 2011 minutes.

(4) **APPEAL NO. 10-108**

RICHARD & CHER ZILLMAN, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent	280 Divisadero Street. Appealing the denial on Sept. 01, 2010, of Certificate of Appropriateness (convert carriage house at rear of subject property to residential unit). CASE NO. 2008.0312A. PUBLIC HEARING HELD ON MARCH 9, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the parties to discuss alternate design options; no additional briefing is allowed.**

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 11-067**

JACQUIE GREAUX, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	340-342-344 Spruce Street. Protesting the issuance on May 12, 2011, to Love Family Trust, Permit to Alter a Building (remodeling one bathroom; lighting to comply with CEC150(K); no change to windows, walls or doors). APPLICATION NO. 2011/05/12/5871. FOR HEARING TODAY.

(5B) **APPEAL NO. 11-068**

MISTY D'AMORE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	340 and 356 Spruce Street. Protesting the issuance on May 04, 2011, to Markes Howery, Permit to Alter a Building (remodeling bathroom; repair plumbing; comply with various NOV's). APPLICATION NO. 2011/05/04/5288. FOR HEARING TODAY.

(6) **APPEAL NO. 11-072**

MICHAEL ROBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1231 York Street. Protesting the issuance on May 23, 2011, to Cui Zhu Li, Permit to Alter a Building (repair for stair in backyard; less than 50%; comply with NOV No. 201136401; repair in kind). APPLICATION NO. 2011/05/23/6603. FOR HEARING TODAY.

(7) **APPEAL NO. 11-075**

INEZ PRIDE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	230 Jules Avenue. Protesting the issuance on May 25, 2011, to Stephen Lew, Permit to Alter a Building (one-story horizontal addition at rear including one full bath, two bedrooms and family room; comply with NOV No. 200921467). APPLICATION NO. 2010/05/11/2223S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 22, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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July 27, 2011

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, JULY 27, 2011
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Tim Frye, Preservation Coordinator, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ray Hartz spoke about concerns he has regarding the qualifications of Board members and access by members of the public to public records held by other City Departments, he also spoke about his experiences as a member of a public body in Honolulu.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Tanya Peterson will be absent on September 14, 2011.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 13, 2011 minutes.

ACTION: Upon motion by Commissioner Peterson, the Board voted 5-0 to adopt the July 13, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 10-108**

RICHARD & CHER ZILLMAN, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent	280 Divisadero Street. Appealing the denial on Sept. 01, 2010, of Certificate of Appropriateness (convert carriage house at rear of subject property to residential unit). CASE NO. 2008.0312A. PUBLIC HEARING HELD ON MARCH 9, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the parties to discuss alternate design options; no additional briefing is allowed.**

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-2 (Vice President Garcia and Commissioner Fung dissented) to deny the appeal and uphold the Historic Preservation Commission disapproval for the reasons set forth in Historic Preservation Commission Motion No. 78.

SPEAKERS: Tim Frye, PD; Richard Zillman, appellant; Cher Zillman, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 11-067**

JACQUIE GREAUX, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	340-342-344 Spruce Street. Protesting the issuance on May 12, 2011, to Love Family Trust, Permit to Alter a Building (remodeling one bathroom; lighting to comply with CEC150(K); no change to windows, walls or doors). APPLICATION NO. 2011/05/12/5871. FOR HEARING TODAY.

(5B) **APPEAL NO. 11-068**

MISTY D'AMORE, Appellant(s) vs.	340 and 356 Spruce Street. Protesting the issuance on May 04, 2011, to Markes Howery, Permit to Alter a

DEPT. OF BUILDING INSPECTION, Respondent	Building (remodeling bathroom; repair plumbing; comply with various NOV's). APPLICATION NO. 2011/05/04/5288. FOR HEARING TODAY.

ACTION for Item 5a: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the project complies with the Building Code.

ACTION for Item 5b: Upon motion by President Goh, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that (1) all work be struck from the scope of permit except for the work associated with (a) remodeling the bathroom in unit 340; and (b) abating Notice of Violation No. 201113203; and (2) that the one year bar to reapplying for a permit found in San Francisco Business and Tax Code Article 1, Section 31 shall not apply.

SPEAKERS: Jacquie Gréaux, appellant; Mark Epstein, attorney for permit holder; Joseph Duffy, DBI. The appellant for Item 5b did not appear.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-072**

MICHAEL ROBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1231 York Street. Protesting the issuance on May 23, 2011, to Cui Zhu Li, Permit to Alter a Building (repair for stair in backyard; less than 50%; comply with NOV No. 201136401; repair in kind). APPLICATION NO. 2011/05/23/6603. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is compliant with the Building Code.

SPEAKERS: Michael Roby, appellant; Bill Weisberg, attorney for appellant; Cui Zhu Li, permit holder; Susan Li, agent for permit holder; Andrew Danielsen, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-075**

INEZ PRIDE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	230 Jules Avenue. Protesting the issuance on May 25, 2011, to Stephen Lew, Permit to Alter a Building (one-story horizontal addition at rear including one full bath, two bedrooms and family room; comply with NOV No. 200921467). APPLICATION NO. 2010/05/11/2223S. FOR HEARING TODAY.

WITHDRAWN BY APPELLANT.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 8:00 p.m.

NO BOA MEETING NEXT WEEK

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, July 29, 2011 10:51 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org; TinaTam@sfgov.org; Dan.Sider@sfgov.org; Edward.Sweeney@sfgov.org; Vivian.Day@sfgov.org; Joseph.Duffy@sfgov.org; Patrick.O'Riordan@sfgov.org; Thomas.Venizelos@sfgov.org; Steven.Panelli@sfgov.org; Cynthia.Goldstein@SFGOV.ORG; Judy.Boyajian@sfgov.org; Francesca.Gessner@sfgov.org; Matthew.Goudeau@SFGOV.ORG; Nicole.Wheaton@sfgov.org

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P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for August 03, 2011. The next regular meeting is scheduled for WEDNESDAY, AUGUST 10, 2011, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

SF
ABO
#2
8/3/11
cancelled

Sincerely,

BOARD STAFF

Date Posted: July 29, 2011

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
Phone: 575-6880
Fax: 575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 10, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 27, 2011 minutes.

(4) **SPECIAL ITEM:**

Presentation of resolution honoring Laurence Kornfield for his many years of service as the Department of Building Inspection representative to the Board of Appeals.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 2344 Market Street. Letter from Jeremy Paul, agent for Greg Bronstein, requestor, asking that the Board take jurisdiction over a Notice of Violation and Penalty issued by the Zoning Administrator on May 07, 2010. The appeal period ended May 22, 2010, and the jurisdiction request was filed at the Board office on April 08, 2011. NOV&P: non-compliance with conditions of approval requiring all noise to be contained within the facility. **Note: On July 13, 2011, the Board voted 4-0 to set aside its decision to deny jurisdiction of May 11, 2011.**

(6) **APPEAL NO. 11-079**

MATT PATEL dba "7-ELEVEN", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3998 – 18th Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 08, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-11-28. FOR HEARING TODAY.

(7) **APPEAL NO. 10-026**

KALESILASSIE GEBRESILASSIE, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Sept. 30, 2009, of Taxicab Medallion. JURISDICTION GRANTED MAR. 03, 2010. PUBLIC HEARING HELD AND CLOSED ON DEC. 08, 2010. FOR FURTHER COINSIDERATION TODAY. **Note: matter continued to allow time for MTA DTAS to analyze the appellant's waybills for 2009 and 2010; additional briefing allowed. On April 06, 2011, the matter was continued to allow it to be considered when five Board Members are present; additional briefing allowed.**

(8) **APPEAL NO. 11-056**

GOLDEN GATE VALLEY NEIGHBORHOOD ASSOC., SHIRLEY JACOBS, JEFFERY LEE & MEGAN CHECHILE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1787 Union Street. Protesting the issuance on April 04, 2011 to KAP Investment LLC, Permit to Alter a Building (revision to BPA No. 2010/02/02/5765 for exterior patio and submitting Planning Code §312 notification for new patio). APPLICATION NO. 2010/06/04/3920. PUBLIC HEARING HELD ON JUNE 22, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for permit holder to review additional noise mitigation measures; additional briefing is allowed at 6 pages per party.**

(9) **APPEAL NO. 11-077**

MARGARET FOSTER, SHERIDA IRETON & SHERIANN IRETON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	122 Tiffany Avenue. Protesting the issuance on June 02, 2011, to John Britton, Permit to Alter a Building (comply with Housing NOV; repair stairs and deck; less than 50% repair; NOV Nos. 201056787 and 201049896). APPLICATION NO. 2011/06/02/7296. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 05, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

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August 10, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 10, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Municipal Transportation Agency, Division of Taxis and Accessible Services (MTA DTAS); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 27, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the July 27, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Presentation of resolution honoring Laurence Kornfield for his many years of service as the Department of Building Inspection representative to the Board of Appeals.

SPEAKERS: President Goh read the resolution adopted by the Board at its May 18, 2011 meeting and presented it to Mr. Kornfield, who thanked the Board and noted that his work with the Board was one of the highlights of his career at the Department of Building Inspection.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 2344 Market Street. Letter from Jeremy Paul, agent for Greg Bronstein, requestor, asking that the Board take jurisdiction over a Notice of Violation and Penalty issued by the Zoning Administrator on May 07, 2010. The appeal period ended May 22, 2010, and the jurisdiction request was filed at the Board office on April 08, 2011. NOV&P: non-compliance with conditions of approval requiring all noise to be contained within the facility. **Note: On July 13, 2011, the Board voted 4-0 to set aside its decision to deny jurisdiction of May 11, 2011.**

ACTION: Upon motion by Commissioner Peterson, the Board voted 4-1 (Commissioner Fung dissented) to deny the jurisdiction request.

SPEAKERS: Jeremy Paul, agent for requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: Rob Cox, Dennis Richards, Alan Beach, David Troup, Judith Hoyem, Jim Hannah and Pat Tura spoke in support of the ZA.

(6) **APPEAL NO. 11-079**

MATT PATEL dba "7-ELEVEN", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3998 – 18th Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 08, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-11-28. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (Vice President Garcia dissented) to deny the appeal and uphold the suspension based on a finding that

the sale to a minor occurred and the minor's identification was not requested by the clerk conducting the sale.

SPEAKERS: Matt Patel, appellant; Silvano Valera, agent for appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 10-026**

KALESILASSIE GEBRESILASSIE, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Sept. 30, 2009, of Taxicab Medallion. JURISDICTION GRANTED MAR. 03, 2010. PUBLIC HEARING HELD AND CLOSED ON DEC. 08, 2010. FOR FURTHER COINSIDERATION TODAY. **Note: matter continued to allow time for MTA DTAS to analyze the appellant's waybills for 2009 and 2010; additional briefing allowed. On April 06, 2011, the matter was continued to allow it to be considered when five Board Members are present; additional briefing allowed.**

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to grant the appeal and overturn the department with written findings to be adopted at a later time.

SPEAKERS: Raymond Alexander, attorney for appellant; Jarvis Murray, MTA DTAS.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 11-056**

GOLDEN GATE VALLEY NEIGHBORHOOD ASSOC., SHIRLEY JACOBS, JEFFERY LEE & MEGAN CHECHILE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1787 Union Street. Protesting the issuance on April 04, 2011 to KAP Investment LLC, Permit to Alter a Building (revision to BPA No. 2010/02/02/5765 for exterior patio and submitting Planning Code §312 notification for new patio). APPLICATION NO. 2010/06/04/3920. PUBLIC HEARING HELD ON JUNE 22, 2011. FOR FURTHER CONSIDERATION TODAY. **Note:**

Matter continued to allow time for permit holder to review additional noise mitigation measures; additional briefing is allowed at 6 pages per party.

-

ACTION: Upon motion by Vice President Garcia, the Board voted 1-4 (President Goh and Commissioners Fung, Hwang and Peterson dissented) to deny the appeal and uphold the permit on the basis that it is compliant with the Building Code. Lacking the three votes needed to pass, the motion failed. Upon further motion by Vice President Garcia, the Board voted 4-1 (President

Goh dissented) to continue the matter to September 21, 2011 to allow the parties more time to discuss settlement and propose additional noise mitigation measures. Additional briefing is allowed at six pages per party, all due the Thursday prior to hearing.

SPEAKERS: Darren Matte, agent for permit holder; Ethan Salter, agent for permit holder; Megan Chechile, appellant; Pablo Daroux, agent for appellants; Scott Sanchez, ZA.

PUBLIC COMMENT: Josh Spiegelman, Cody Harper, Phil Boissiere, Jason Sanchez, Aaron Lowe, Jon Rietz and Duncan Ley spoke in favor of the permit holder. Sherry Kramm, Eugene Soules, Terry Morrison, Anne MacKenzie, Jerry Czember, Beverly Soules, Melinda Cardwell, Jim Connelly and Patricia Vaughey spoke in support of the appellants.

(9) **APPEAL NO. 11-077**

MARGARET FOSTER, SHERIDA IRETON & SHERIANN IRETON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	122 Tiffany Avenue. Protesting the issuance on June 02, 2011, to John Britton, Permit to Alter a Building (comply with Housing NOV; repair stairs and deck; less than 50% repair; NOV Nos. 201056787 and 201049896). APPLICATION NO. 2011/06/02/7296. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that (1) no work be performed pursuant to this permit on the ground floor deck adjacent to appellant Sherida Ireton's unit; and (2) laundry facilities removed for purposes of conducting the permitted work shall be returned provided that the Code allows them to be placed on the decks.

SPEAKERS: Matt McFarland, attorney for appellants; John Britton, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 8:55 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 17, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 10, 2011 minutes.

(4) **APPEAL NO. 11-070**

FRANZ VON UCKERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1354 York Street. Appealing the imposition of penalty on May 12, 2011, for construction work done without a permit. APPLICATION NO. 2011/05/12/5925. PUBLIC HEARING HELD ON JUNE 29, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow President Goh to participate in the final vote.**

(5) **APPEAL NO. 11-084**

SOHEL SUBEDAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	536 Golden Gate Avenue. Appealing the imposition of penalty on June 01, 2011, for plumbing work done without a permit. APPLICATION NO. PP2011/06/01/556. JURISDICTION GRANTED JULY 13, 2011. FOR HEARING TODAY.

(6) **APPEAL NO. 11-021**

FRONT PROPERTIES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1633-1649 Haight Street. Appealing the denial on Feb. 03, 2011, of Permit to Alter a Building (replace billboard involuntarily removed without owner authorization; billboard to be replaced exactly in-kind; work is at exterior only; work is not associated with any commercial space). APPLICATION NO. 2010/10/28/3932. FOR HEARING TODAY.

(7) **APPEAL NO. 11-029**

ARTHUR & LOUISE PATTERSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3355 Pacific Avenue. Protesting the issuance on Feb. 25, 2011, to Jeffrey Ubben, Permit to Alter a Building (new roof top deck, new stair and stair enclosure, new skylight on roof, no interior construction). APPLICATION NO. 201006285457S. FOR HEARING TODAY.

(8) **APPEAL NO. 11-061**

JEAN CRAIG-TEERLINK & JOHN TEERLINK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	422 Day Street. Appealing the denial on April 15, 2011, of Permit to Alter a Building (remodeling; add 3rd floor to existing two-story single-family residence). APPLICATION NO. 2010/09/14/0807S. FOR HEARING TODAY.

(9) **APPEAL NO. 11-082**

KENNETH LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3030 Noriega Street. Protesting the issuance on June 30, 2011, to Mabel Huang, Permit to Alter a Building (remodel bathroom and kitchen, add one new bathroom, and replace window with sliding door at 2nd floor; legalize one bedroom, construct one bedroom, two bathrooms and laundry room at ground floor; construct new deck at rear of building). APPLICATION NO. 2011/06/30/9231. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 12, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	**PRESIDENT**
MICHAEL GARCIA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
CHRIS HWANG	**COMMISSIONER**
TANYA PETERSON	**COMMISSIONER**

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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August 17, 2011

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 17, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Dan Sider, Senior Planner and Assistant to the Zoning Administrator (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Tony Grieco, Acting Chief Building Inspector (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 10, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the August 10, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 11-070**

FRANZ VON UCKERMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1354 York Street. Appealing the imposition of penalty on May 12, 2011, for construction work done without a permit. APPLICATION NO. 2011/05/12/5925. PUBLIC HEARING HELD ON JUNE 29, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow President Goh to participate in the final vote.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Hwang dissented) to grant the appeal and reduce the penalty to five times the permit fee based on the finding that while the work was fairly minor and the appellant thought the matter was resolved, the Department of Building Inspection expended significant resources to resolve the matter.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-084**

SOHEL SUBEDAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	536 Golden Gate Avenue. Appealing the imposition of penalty on June 01, 2011, for plumbing work done without a permit. APPLICATION NO. PP2011/06/01/556. JURISDICTION GRANTED JULY 13, 2011. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to grant the appeal and reduce the penalty to five times the permit fee based on the defective notice given to appellant of the violation and the appellant's genuine confusion as to the requirements for a permit.

SPEAKERS: Sohel Subedar, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-021**

FRONT PROPERTIES LLC, Appellant(s) vs.	1633-1649 Haight Street. Appealing the denial on Feb. 03, 2011, of Permit to Alter a Building (replace

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	billboard involuntarily removed without owner authorization; billboard to be replaced exactly in-kind; work is at exterior only; work is not associated with any commercial space). APPLICATION NO. 2010/10/28/3932. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to accept additional evidentiary submittals by the appellant. Upon further motion by Commissioner Hwang, the Board voted 3-2 (Vice President Garcia and Commissioner Peterson dissented) to deny the appeal and uphold the denial of the permit based on a finding that the permit does not comply with Planning Code Section 604(h) and that the proposed billboard would be a non-complying structure, as stated in the Planning Department's letter dated December 14, 2010 and in its brief.

SPEAKERS: Tito Torres, attorney for appellant; Kevin Strain, agent for appellant; Dan Sider, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-029**

ARTHUR & LOUISE PATTERSON, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3355 Pacific Avenue. Protesting the issuance on Feb. 25, 2011, to Jeffrey Ubben, Permit to Alter a Building (new roof top deck, new stair and stair enclosure, new skylight on roof, no interior construction). APPLICATION NO. 201006285457S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and condition the permit to conform to the plan set drawn by Lawson Willard Architecture marked "Revision 1" and dated August 16, 2011, submitted by the parties at hearing.

SPEAKERS: Craig Nikitas, agent for appellants; Andrew Zacks, attorney for permit holder; Patrick Buscovich, agent for permit holder; Dan Sider, PD.

PUBLIC COMMENT: Miles Imwalle spoke in support of the settlement.

(8) **APPEAL NO. 11-061**

JEAN CRAIG-TEERLINK & JOHN TEERLINK, Appellant(s)	422 Day Street.

vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	Appealing the denial on April 15, 2011, of Permit to Alter a Building (remodeling; add 3rd floor to existing two-story single-family residence). APPLICATION NO. 2010/09/14/0807S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 5-0 to grant the appeal, overturn the department and issue the permit based on a finding that the proposed 5'10" front setback is not inconsistent with the Residential Design Guidelines ("RDGs"), the rear setback is not required to meet the RDGs given that the proposed project does not extend into the rear yard, and the project provides family housing.

SPEAKERS: Jean Craig-Teerlink, appellant; Brett Gladstone, attorney for appellant; Dan Sider, PD; Tony Grieco, DBI.

PUBLIC COMMENT: Jennifer Hwang, Joe Gold, Walter Villavicencio, Kevin Wallace, Marybeth Wallace, Mary Ellen O'Connor, Dominic Brenan, Thomas Ryckman, Richard Berman, David Davidovic, Leslie Crawford, Fady Malik, Ted Gold, Lee Abel, Joanne Mendel, Barbara Ockel, Susan Ammon, Gabriella Rossi, Wendy Scheffers and Reed Levitt spoke in support of the appellants.

(9) **APPEAL NO. 11-082**

KENNETH LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3030 Noriega Street. Protesting the issuance on June 30, 2011, to Mabel Huang, Permit to Alter a Building (remodel bathroom and kitchen, add one new bathroom, and replace window with sliding door at 2nd floor; legalize one bedroom, construct one bedroom, two bathrooms and laundry room at ground floor; construct new deck at rear of building). APPLICATION NO. 2011/06/30/9231. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that a six foot (6') high screen, that can't be seen through, be added on the entire seven foot (7') width of the deck adjacent to the appellant's property.

SPEAKERS: Kenneth Leung, appellant; Vicky Leung, agent for appellant; Mabel Huang, permit holder; Ken Chung, agent for permit holder; Dan Sider, PD; Tony Grieco, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 9:00 p.m.

NO BOARD OF APPEALS MEETINGS

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Tuesday, August 23, 2011 10:28 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Day, Vivian [vivian.day@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Gessner, Francesca [francesca.gessner@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

P U B L I C N O T I C E

The Board of Appeals has **CANCELLED** the meeting of Aug. 24, 2011, and **NOT SCHEDULED** meetings for Aug. 31, 2011 or Sept. 07, 2011. The next regular meeting is scheduled for **WEDNESDAY, SEPT. 14, 2011**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

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Date Posted: **Aug. 19, 2011**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 14, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

09-09-11P12:50 RCVD

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 17, 2011 minutes.

(4) **CLOSED SESSION (ANTICIPATED TO LAST NO MORE THAN 20 MINUTES):**

CONFERENCE WITH LEGAL COUNSEL

Existing litigation: Nob Hill Association v. City & County of San Francisco, S.F. Superior Court, Case No. 10-510365 (filed April 23, 2010).

a. Public Comment on all matters related to Closed Session.

b. Vote on whether to assert the attorney-client privilege and hold a closed session to confer with legal counsel pursuant to San Francisco Admin. Code Sec. 67.10(d) and Cal. Govt. Code Sec. 54956.9(a) regarding pending litigation in Nob Hill Association v. City & County of San Francisco, Sup. Ct. No. 10-510365.

c. Closed Session.

d. Reconvene in open session.
(i) Vote whether to disclose any or all discussions held in closed session.
(ii) Report any action taken in closed session within the meaning of San Francisco Admin. Code Sec. 67.12(b)(2) and Cal. Govt Code Sec. 54957.1(a)(2).

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 23 Belmont Avenue. Letter from Susan Scannon, requestor, asking that the Board take jurisdiction over Electrical Permit No. E2011/03/08/3343, which was issued on March 08, 2011. The appeal period ended on March 23, 2011, and the jurisdiction request was received at the Board office on July 19, 2011. Permit Holder: Chanter-Cheung Revocable Trust. Project: 9 roof-mounted solar PV modules; 230 watts per module; 9 interactive.

(5b) **REHEARING REQUEST:**

Subject property at 340-342-344 Spruce Street. Letter from Jacquie Greaux, appellant, requesting rehearing of Appeal No. 11-067, Greaux vs. DBI, decided July 27, 2011. At that time, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it complies with the Code. Permit Holder: Love Family Trust. Project: remodeling one bathroom; lighting to comply with CEC150(K); no change to windows, walls or doors; BPA No. 2011/05/12/5871.

(5c) **JURISDICTION REQUEST:**

Subject property at 1844 Laguna Street. Letter from Alfred & Patty Dobrow, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2011/06/01/7152, which was issued on June 16, 2011. The appeal period ended on July 01, 2011, and the jurisdiction request was received at the Board office on Aug. 19, 2011. Permit Holder: California Investment LLC. Project: provide roof deck and two skylights; altering gable roof to flat roof; replace windows to French doors; convert attic to habitable space.

(5d) **REHEARING REQUEST:**

Subject property at 1633-1649 Haight Street. Letter from Tito Torres, attorney for Front Properties LLC, appellant, requesting rehearing of Appeal No. 11-021, Front Properties LLC vs. DBI, PDD, decided Aug. 17, 2011. At that time, the Board voted 3-2 to deny the appeal and uphold the denial of the permit with a finding that the billboard does not comply with Planning Code § 604(h) and is a non-complying structure, as referenced in the Planning Department's denial letter dated 12/14/10 and in its respondent brief dated 8/11/11. Project: replace billboard involuntarily removed without owner authorization; billboard to be replaced exactly in-kind; work is at exterior only; work is not associated with any commercial space; BPA No. 2010/10/28/3932.

(6) **APPEAL NO. 11-086**

KATHERINE VIRANYI & KHALED HEGAZY dba "CAIRO NIGHTS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	829 Geary Street. Appealing a thirty (30) day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2011. Reason(s) for suspension: smoking in an enclosed area of a tobacco shop without an approved exemption from the DPH. DIRECTOR'S CASE NO. FD-11-33. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 09, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

September 14, 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 14, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Anthony Grieco, Acting Chief Building Inspector, Department of Building Inspection (DBI); Dan Sider, Senior Planner, Planning Department (PD); Terence Howzell, OCA; Janine Young, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Tanya Peterson.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 17, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to adopt the August 17, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **CLOSED SESSION (ANTICIPATED TO LAST NO MORE THAN 20 MINUTES):**

CONFERENCE WITH LEGAL COUNSEL

Existing litigation: Nob Hill Association v. City & County of San Francisco, S.F. Superior Court, Case No. 10-510365 (filed April 23, 2010).

a. Public Comment on all matters related to Closed Session.

b. Vote on whether to assert the attorney-client privilege and hold a closed session to confer with legal counsel pursuant to San Francisco Admin. Code Sec. 67.10(d) and Cal. Govt. Code Sec. 54956.9(a) regarding pending litigation in Nob Hill Association v. City & County of San Francisco, Sup. Ct. No. 10-510365.

c. Closed Session.

d. Reconvene in open session.
(i) Vote whether to disclose any or all discussions held in closed session.
(ii) Report any action taken in closed session within the meaning of San Francisco Admin. Code Sec. 67.12(b)(2) and Cal. Govt Code Sec. 54957.1(a)(2).

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to convene in closed session. The closed session was attended by: President Goh, Vice President Garcia, Commissioner Fung, Commissioner Hwang, Cynthia Goldstein, Victor Pacheco, Francesca Gessner, OCA, and Thomas Lakritz, OCA. Afterwards, upon motion by President Goh, the Board voted 4-0-1 (Commissioner Peterson absent) to not disclose the content of discussions held in the closed session. No action was taken during the closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 23 Belmont Avenue. Letter from Susan Scannon, requestor, asking that the Board take jurisdiction over Electrical Permit No. E2011/03/08/3343, which was issued on March 08, 2011. The appeal period ended on March 23, 2011, and the jurisdiction request was received at the Board office on July 19, 2011. Permit Holder: Chanter-Cheung Revocable Trust. Project: 9 roof-mounted solar PV modules; 230 watts per module; 9 interactive.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Commissioner Peterson absent) to deny the Jurisdiction Request.

SPEAKERS: Dirk Stennick, agent for requestor; Nigel Chanter, permit holder; Jeanine Cotter, agent for permit holders; Anthony Grieco, DBI; Scott Sanchez, ZA.
PUBLIC COMMENT: None.

(5b) **REHEARING REQUEST:**

Subject property at 340-342-344 Spruce Street. Letter from Jacquie Greaux, appellant, requesting rehearing of Appeal No. 11-067, Greaux vs. DBI, decided July 27, 2011. At that time, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it complies with the Code. Permit Holder: Love Family Trust. Project: remodeling one bathroom; lighting to comply with CEC150(K); no change to windows, walls or doors; BPA No. 2011/05/12/5871.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-1-1 (Commissioner Fung dissented and Commissioner Peterson absent) to continue this matter to a later date after the parties' Rent Board hearing. Upon further motion by Commissioner Hwang, the Board voted 3-1-1 (President Goh dissented and Commissioner Peterson absent) to reconsider the prior motion. Upon motion by Commissioner Fung, the Board voted 2-2-1 (President Goh and Vice President Garcia dissented and Commissioner Peterson absent) to deny the Rehearing Request. Lacking the three votes needed to pass, the motion failed. With no further motion made, the Rehearing Request is denied by operation of law.

SPEAKERS: Jacquie Gréaux, appellant; Mark Epstein, attorney for permit holder.

PUBLIC COMMENT: None.

(5c) **JURISDICTION REQUEST:**

Subject property at 1844 Laguna Street. Letter from Alfred & Patty Dobrow, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2011/06/01/7152, which was issued on June 16, 2011. The appeal period ended on July 01, 2011, and the jurisdiction request was received at the Board office on Aug. 19, 2011. Permit Holder: California Investment LLC. Project: provide roof deck and two skylights; altering gable roof to flat roof; replace windows to French doors; convert attic to habitable space.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Peterson absent) to continue the matter to October 5, 2011, to allow time for a needed revision permit to be issued, with no additional briefing allowed. Additional testimony of three (3) minutes per party is allowed.

SPEAKERS: Alfred Dobrow, requestor; John Pollard, agent for permit holder; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: None.

(5d) **REHEARING REQUEST:**

Subject property at 1633-1649 Haight Street. Letter from Tito Torres, attorney for Front Properties LLC, appellant, requesting rehearing of Appeal No. 11-021, Front Properties LLC vs. DBI, PDD, decided Aug. 17, 2011. At that time, the Board voted 3-2 to deny the appeal and uphold the denial of the permit with a finding that the billboard does not comply with Planning Code § 604(h) and is a non-complying structure, as referenced in the Planning Department's denial letter dated 12/14/10 and in its respondent brief dated 8/11/11. Project: replace billboard involuntarily removed without owner authorization; billboard to be replaced exactly in-kind; work is at exterior only; work is not associated with any commercial space; BPA No. 2010/10/28/3932.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Peterson absent) to deny the Rehearing Request.

SPEAKERS: Tito Torres, attorney for appellant; Dan Sider, PD.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-086**

KATHERINE VIRANYI & KHALED HEGAZY dba "CAIRO NIGHTS", Appellant(s)	829 Geary Street. Appealing a thirty (30) day suspension of a Tobacco Product Sales

vs. DEPT. OF PUBLIC HEALTH, Respondent	Establishment Permit, imposed on July 13, 2011. Reason(s) for suspension: smoking in an enclosed area of a tobacco shop without an approved exemption from the DPH. DIRECTOR'S CASE NO. FD-11-33. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Peterson absent) to uphold the 30-day suspension based on the Health Code violations noted in the DPH order.

SPEAKERS: Katherine Viranyi, appellant; Terence Howzell, OCA; Janine Young, DPH.

PUBLIC COMMENT: Kathleen McNamara and Bob Gordon spoke in support of the Department of Public Health.

ADJOURNMENT.
There being no further business, President Goh adjourned the meeting at 7:45 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 21, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 14, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Denial of taxi medallion. Appeal No. 10-026, Gebresilassie vs. MTA DTAS, decided Aug. 10, 2011. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to grant the appeal, overrule the denial, and issue the taxi medallion, with adoption of findings at a later time. Appellant: Kalesilassie Gebresilassie.

(4b) **JURISDICTION REQUESTS:**

Subject property at 104-114 Presidio Avenue. Letter from Bob Hemati & Noushin Oshidari, requestors, asking that the Board take jurisdiction over Variance Decision No. 2010.0221V and BPA No. 2010/04/28/1271; the variance was granted on July 21, 2010, and the building permit was issued on Jan. 25, 2011; the appeal periods ended on Aug. 02, 2010, and Feb. 09, 2011, respectively, and the jurisdiction requests were filed at the Board office on Aug. 30, 2011. Variance/Permit Holder: 104 Presidio Avenue LLC. Variances: rear yard and non-complying structure variances. Building Permit: demolish central rear wing and raise yard to create new one at 3rd floor level; alter apt. layouts; add new stairs and elevator; reconfigure N, E and S sides of main roof including chimneys, elevator shaft, two dormers on Jackson Street to match existing and new windows; discharge requirements of NOV No. 200677768.

(5) **APPEAL NO. 11-056**

GOLDEN GATE VALLEY NEIGHBORHOOD ASSOC., SHIRLEY JACOBS, JEFFERY LEE & MEGAN CHECHILE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1787 Union Street. Protesting the issuance on April 04, 2011 to KAP Investment LLC, Permit to Alter a Building (revision to BPA No. 2010/02/02/5765 for exterior patio and submitting Planning Code §312 notification for new patio). APPLICATION NO. 2010/06/04/3920. PUBLIC HEARINGS HELD ON JUNE 22, 2011, AND AUG. 10, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to attempt settlement regarding noise mitigation measures; additional briefing is allowed at 6 pages per party.**

ITEMS (6A), (6B) AND (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 11-088**

W.B. COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244 Mason Street. Protesting the issuance on July 29, 2011, to Transition LLC, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2008/09/19/2166). APPLICATION NO. 2011/07/29/1295. FOR HEARING TODAY.

(6B) **APPEAL NO. 11-089**

W.B. COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244A Mason Street. Protesting the issuance on July 29, 2011, to Transition LLC, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2008/09/24/2527). APPLICATION NO. 2011/07/29/1297. FOR HEARING TODAY.

(6C) **APPEAL NO. 11-090**

W.B. COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2248 Mason Street. Protesting the issuance on July 29, 2011, to Transition LLC, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2008/09/19/2164). APPLICATION NO. 2011/07/29/1298. FOR HEARING TODAY.

(7) **APPEAL NO. 11-091**

CARLA WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1731 – 15th Street. Protesting the issuance on Aug. 08, 2011, to Jolish 1731 – 15th Street LLC, Permit to Alter a Building (seismic retrofit and building rehabilitation; life/safety improvements; new bathrooms and community kitchens; new elevator; new roof terrace; increase number of rooms from 27 to 52). APPLICATION NO. 2010/09/28/1752"S". FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **September 16, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 21, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Catherine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Anthony Grieco, Acting Chief Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Municipal Transportation Agency, Division of Taxis and Accessible Services (MTA DTAS); Vajra Granelli, Inspector, Entertainment Commission (EC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ross Wilkinson spoke about a 2006 appeal dealing with exhaust fans and the Department of Building Inspection's alleged failure to enforce the Board's order. John Sollner spoke about the withdrawn appeals filed by W.B. Coyle regarding the properties at 2244-2248 Mason Street, and various lawsuits in which Mr. Coyle is involved as a defendant. Jim Bailey identified himself as the owner of 2244 Mason Street. He spoke about the appeals filed and withdrawn by W.B. Coyle and Mr. Coyle's use of the appeal process as a means to harass him and others. Walter Paulson sang his comments, wishing the Board good luck on handling the appeals on its calendar. Ralph Vonder Haar spoke about the appeals filed by W.B. Coyle and Mr. Coyle's offer to drop

the appeals if the property owners gave Mr. Coyle the listing to manage the property. He also asked that the Board look into a way to avoid accepting unmeritorious appeals from Mr. Coyle in the future. Mike Griffith identified himself as the general contractor for the 2244 Mason Street project and spoke about the expense caused by the delays associated with Mr. Coyle's appeals. He asked the Board to consider rejecting further appeals filed by Mr. Coyle.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Hwang asked that staff research Mr. Coyle's practice of withdrawing appeals at the last minute. Commissioner Fung announced that he will be absent on October 12, 2011. Vice President Garcia asked staff to look into Mr. Wilkinson's concerns.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 14, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the September 14, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Denial of taxi medallion. Appeal No. 10-026, Gebresilassie vs. MTA DTAS, decided Aug. 10, 2011. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to grant the appeal, overrule the denial, and issue the taxi medallion, with adoption of findings at a later time. Appellant: Kalesilassie Gebresilassie.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUESTS:**

Subject property at 104-114 Presidio Avenue. Letter from Bob Hemati & Noushin Oshidari, requestors, asking that the Board take jurisdiction over Variance Decision No. 2010.0221V and BPA No. 2010/04/28/1271; the variance was granted on July 21, 2010, and the building permit was issued on Jan. 25, 2011; the appeal periods ended on Aug. 02, 2010, and Feb. 09, 2011, respectively, and the jurisdiction requests were filed at the Board office on Aug. 30, 2011. Variance/Permit Holder: 104 Presidio Avenue LLC. Variances: rear yard and non-complying structure variances. Building Permit: demolish central rear wing and raise yard to create new one at 3rd floor level; alter apt. layouts; add new stairs and elevator; reconfigure N, E and S sides of main roof including chimneys, elevator shaft, two dormers on Jackson Street to match existing and new windows; discharge requirements of NOV No. 200677768.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the requests.

SPEAKERS: Bob Hemati, requestor; Jim Reuben attorney for variance and permit holder; Lewis Butler, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-056**

GOLDEN GATE VALLEY NEIGHBORHOOD ASSOC., SHIRLEY JACOBS, JEFFERY LEE & MEGAN CHECHILE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1787 Union Street. Protesting the issuance on April 04, 2011 to KAP Investment LLC, Permit to Alter a Building (revision to BPA No. 2010/02/02/5765 for exterior patio and submitting Planning Code §312 notification for new patio). APPLICATION NO. 2010/06/04/3920. PUBLIC HEARINGS HELD ON JUNE 22, 2011, AND AUG. 10, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to attempt settlement regarding noise mitigation measures; additional briefing is allowed at 6 pages per party.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Garcia and Commissioner Peterson dissented) to grant the appeal and revoke the permit on the basis that it doesn't adequately address the neighbor's noise concerns. Lacking the four votes needed to pass, the motion failed. Upon further motion by Vice President Garcia, the Board voted 5-0 to grant the appeal and uphold the permit based on the findings stated in Planning Commisson Action No. DRA-186 and with the following conditions: (1) the Conditions of Approval listed in Planning Commission Action No. DRA-186 be maintained, with the exclusion of Condition (a) and the second sentence of condition (d); (2) Proposal A in Exhibit B of Permit Holder's brief dated September 15, 2011 be implemented, which requires that four of the existing bi-fold door panels remain closed at all times with one door used to access the patio; (3) the western most door be the operable door, be hung with self-closing hinges with no "hold open" device, and remain closed when not in use; and (4) a community liaison be appointed and be someone other than an owner of The Brick Yard.

SPEAKERS: Darren Matte, agent for permit holder; Megan Chechile, appellant; Vajra Granelli, EC; Anthony Grieco, DBI.

PUBLIC COMMENT: Joan Wood, Jerry Czember, Melinda Cardwell and Ryan Robertshaw spoke in support of the appellant.

ITEMS (6A), (6B) AND (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 11-088**

W.B. COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244 Mason Street. Protesting the issuance on July 29, 2011, to Transition LLC, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2008/09/19/2166). APPLICATION NO. 2011/07/29/1295. FOR HEARING TODAY.

(6B) **APPEAL NO. 11-089**

W.B. COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2244A Mason Street. Protesting the issuance on July 29, 2011, to Transition LLC, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2008/09/24/2527). APPLICATION NO. 2011/07/29/1297. FOR HEARING TODAY.

(6C) **APPEAL NO. 11-090**

W.B. COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2248 Mason Street. Protesting the issuance on July 29, 2011, to Transition LLC, Permit to Alter a Building (complete work and obtain final inspection for work approved under BPA No. 2008/09/19/2164). APPLICATION NO. 2011/07/29/1298. FOR HEARING TODAY.

ACTION: WITHDRAWN .

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-091**

CARLA WILSON, Appellant(s) vs.	1731 – 15th Street. Protesting the issuance on Aug. 08, 2011, to Jolish 1731 – 15th Street LLC, Permit

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	to Alter a Building (seismic retrofit and building rehabilitation; life/safety improvements; new bathrooms and community kitchens; new elevator; new roof terrace; increase number of rooms from 27 to 52). APPLICATION NO. 2010/09/28/1752"S". FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 5-0 to reschedule the matter to December 14, 2011 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:25 p.m.

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Today

Pacheco, V... 10:46 ...
NO BOARD OF APP...

NO BOARD OF APPEALS MEETING NEXT WEEK

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, September 23, 2011 10:46 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Gessner, Francesca [francesca.gessner@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for September 28, 2011. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 05, 2011**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Sept. 23, 2011**

11 10 a.m. msf
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Today

Pacheco, Victor **2:01 PM**
BOA MEETING CANCELLED FOR NEXT WEEK

BOA MEETING CANCELLED FOR NEXT WEEK

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Wednesday, September 28, 2011 2:01 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Gessner, Francesca [francesca.gessner@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **CANCELLED** the meeting of October 05, 2011. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 12, 2011**, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Sept. 28, 2011**

Victor F. Pacheco, Legal Assistant

F
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2
10/5/11
cancelled

2:30 pm msf
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 12, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

10-07-11A11:14 RCVD

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OCT - 7 2011

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 21, 2011 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3525-3529 Pacific Avenue. Letter from Craig Nikitas, agent for Peter & Victoria Johnson, requestors, asking that the Board take jurisdiction over BPA No. 2010/04/21/0752, which was issued on Oct. 28, 2010; the appeal period ended on Nov. 12, 2010, and the jurisdiction request was received at the Board office on Sept. 26, 2011. Permit Holders: Mr. & Mrs. Beischer. Project: remodel and reconfigure rooms throughout single family dwelling with three story addition added to west side of building; expansion of fourth floor room; sprinklers under separate permit.

(4b) **REHEARING REQUEST:**

Subject property at 829 Geary Street. Letter from Katherine Viranyi & Khaled Hegazy, appellants, requesting rehearing of Appeal No. 11-086, "Cairo Nights" vs. DPH, decided Sept. 14, 2011. At that time, the Board voted 4-0 to uphold the 30-day suspension of the tobacco sales permit on the basis of Health Code violations as listed in the DPH Order.

(5) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. PUBLIC HEARING HELD ON JAN. 19, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: On Jan. 19, 2011 the matter was continued to allow time for DPW to submit additional information pursuant to the Board's comments. On March 23, 2011 the matter was continued further to allow time for the permit holder (USF) to provide the Board with copies of permits obtained for the retaining wall constructed in 2004 and the trees removed in association with this construction. And on May 25, 2011, the matter was continued again to allow the parties to continue settlement discussions.**

(6) **APPEAL NO. 11-069**

CANNA MED CARE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: 1238 SUTTER ST. LLC	1222 Sutter Street. Protesting a Letter of Determination dated May 10, 2011, addressed to Jeremy Paul at Quickdraw Permit Consulting, regarding a Medical Cannabis Dispensary use at the subject property. FOR HEARING TODAY.

(7) **APPEAL NO. 11-081**

524 HOWARD STREET LLC, Appellant(s) vs. PLANNING COMMISSION, Respondent	524 Howard Street. Appealing the revocation on June 09, 2011, of office allocation at the subject property under the Planning Code's Office Development Annual Limit Program. MOTION NO. 18379. FOR HEARING TODAY.

(8) **APPEAL NO. 11-096**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2350 Broadway. Protesting the issuance on August 17, 2011, to Michael & Maria Bykhovsky, Permit to Alter a Building (addition at rear; basement under deck, portable spa in basement interior; horizontal addition at 1st floor under rear deck; new deck addition at 1st floor rear; new exterior spiral stair at rear between 1st and 2nd rear decks; drawings based on BPA No. 2010/09/27/1718). APPLICATION NO. 2010/10/08/2625. FOR HEARING TODAY.

(9) **APPEAL NO. 11-097**

L. MEDAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4090 – 26th Street. Protesting the issuance on August 18, 2011, to Eric Engleman & Allison Serrell, Permit to Alter a Building (remodel and addition to single-family dwelling; three-story addition to rear of house; conversion of basement crawl space to circulation and storage; modifications to pantry and laundry areas; modifications to bedrooms and closets; reconfigure entry hall and stair; front setback deck, fence and gate). APPLICATION NO. 2010/10/05/2258S. FOR HEARING TODAY.

(10) **APPEAL NO. 11-098**

MIKE WILDMAN, ALISTAIR SHERRET, & REGINA McMAHON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1100 Lombard Street. Protesting the issuance on August 22, 2011, to David Blanz, Permit to Alter a Building (expand parking garage at ground floor; enlarge garage door to 10 feet wide; structural strengthening of all floors; sprinkler and MEP under separate permit; provide sound insulation between units). APPLICATION NO. 2011/07/27/1170. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 07, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

October 12, 2011

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, OCTOBER 12, 2011
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Terence Howzell, (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Rassendyll Dennis, Department of Public Works (DPW); Janine Young, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Frank Fung.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Hwang announced that she will be absent from the Board's October 26, 2011 meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 21, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the September 21, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3525-3529 Pacific Avenue. Letter from Craig Nikitas, agent for Peter & Victoria Johnson, requestors, asking that the Board take jurisdiction over BPA No. 2010/04/21/0752, which was issued on Oct. 28, 2010; the appeal period ended on Nov. 12, 2010, and the jurisdiction request was received at the Board office on Sept. 26, 2011. Permit Holders: Mr. & Mrs. Beischer. Project: remodel and reconfigure rooms throughout single family dwelling with three story addition added to west side of building; expansion of fourth floor room; sprinklers under separate permit.

WITHDRAWN.

(4b) **REHEARING REQUEST:**

Subject property at 829 Geary Street. Letter from Katherine Viranyi & Khaled Hegazy, appellants, requesting rehearing of Appeal No. 11-086, "Cairo Nights" vs. DPH, decided Sept. 14, 2011. At that time, the Board voted 4-0 to uphold the 30-day suspension of the tobacco sales permit on the basis of Health Code violations as listed in the DPH Order.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to deny the Rehearing Request.

SPEAKERS: Requestors did not appear; Deputy City Attorney Terence Howzell spoke on behalf of the Department of Public Health.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-126**

RICHARD RABBITT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE MAPPING, Respondent	Golden Gate Avenue (fronting baseball field). Protesting the issuance on Oct. 29, 2010, to University of San Francisco, Minor Sidewalk Encroachment Permit (chain fence and retaining wall encroaching 6 feet onto the sidewalk right of way for a distance of 389 feet). PERMIT NO. 10MSE-0373. PUBLIC HEARING HELD ON JAN. 19, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: On Jan. 19, 2011 the matter was continued to allow time for DPW to submit additional information pursuant to the Board's comments. On March 23, 2011 the matter was continued further to allow time for the permit holder (USF) to provide the Board with copies of permits obtained for the retaining wall constructed in 2004 and the trees removed in association with this construction. And on May 25, 2011, the matter was continued again to allow the parties to continue settlement discussions.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and condition the permit based on the terms outlined in the letter dated October 12, 2011 submitted on behalf of the permit holder, University of San Francisco, and as revised by the Board at hearing, and on the revised plans attached as Exhibit A to this letter.

SPEAKERS: Harry O'Brien, attorney for USF; Mike London, agent for USF; Richard Rabbitt, appellant; Rassendyll Dennis, DPW.

PUBLIC COMMENT: Jeanne Quock, Kenneth Frausto and Martin MacIntyre spoke in support of the appellant.

(6) **APPEAL NO. 11-069**

CANNA MED CARE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: 1238 SUTTER ST. LLC	1222 Sutter Street. Protesting a Letter of Determination dated May 10, 2011, addressed to Jeremy Paul at Quickdraw Permit Consulting, regarding a Medical Cannabis Dispensary use at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to reschedule this matter to January 18, 2012 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-081**

524 HOWARD STREET LLC, Appellant(s) vs. PLANNING COMMISSION, Respondent	524 Howard Street. Appealing the revocation on June 09, 2011, of office allocation at the subject property under the Planning Code's Office Development Annual Limit Program.

	MOTION NO. 18379. FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeal and uphold the Planning Commission Motion based on the findings stated in the Planning Commission Motion.

SPEAKERS: Appellant did not appear; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 11-096**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2350 Broadway. Protesting the issuance on August 17, 2011, to Michael & Maria Bykhovsky, Permit to Alter a Building (addition at rear; basement under deck, portable spa in basement interior; horizontal addition at 1st floor under rear deck; new deck addition at 1st floor rear; new exterior spiral stair at rear between 1st and 2nd rear decks; drawings based on BPA No. 2010/09/27/1718). APPLICATION NO. 2010/10/08/2625. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-1-1 (President Goh dissented and Commissioner Fung absent) to deny the appeal and uphold the permit based on the finding that the permit is Code compliant and no evidence was presented to suggest otherwise. The Board also requested that the Planning Department conduct a site visit to evaluate the topography of the property.

SPEAKERS: Pat Buscovich, appellant; Allan Low, attorney for permit holder; Matt Williams, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 11-097**

L. MEDAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4090 – 26th Street. Protesting the issuance on August 18, 2011, to Eric Engleman & Allison Serrell, Permit to Alter a Building (remodel and addition to single-family dwelling; three-story addition to rear of house; conversion of basement crawl space to circulation and storage; modifications to pantry and laundry areas; modifications to bedrooms and closets; reconfigure entry hall and stair; front setback deck, fence and gate). APPLICATION NO. 2010/10/05/2258S. FOR HEARING TODAY.

WITHDRAWN AT HEARING.

SPEAKERS: Robert Noelke, agent for appellant; Brett Gladstone, attorney for permit holders.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 11-098**

MIKE WILDMAN, ALISTAIR SHERRET, & REGINA McMAHON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1100 Lombard Street. Protesting the issuance on August 22, 2011, to David Blanz, Permit to Alter a Building (expand parking garage at ground floor; enlarge garage door to 10 feet wide; structural strengthening of all floors; sprinkler and MEP under separate permit; provide sound insulation between units). APPLICATION NO. 2011/07/27/1170. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to continue the matter to October 26, 2011 to allow time for additional settlement discussions.

SPEAKERS: Stephen Collier, attorney for appellants; Jack Laws, agent for appellant: Day Hilborn, agent for appellant; Mike Wildman, appellant; David Foran, attorney for permit holder; Garrett Blanz, agent for permit holder; Rodrigo Santos, agent for permit holder; Henry Karnilowicz, agent for permit holder; Edward Mullins, agent for permit holder; Erevan O'Neill, agent for permit holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 8:10 p.m.

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Today

Pacheco, V... 1:50 PM
NO BOA MEETING ...

NO BOA MEETING NEXT WEEK

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Thursday, October 13, 2011 1:49 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Gessner, Francesca [francesca.gessner@sfgov.org];
Goldstein, Cynthia [cynthia.goldstein@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for October 19, 2011. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 26, 2011**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 13, 2011**

SF BOA #2 10/19/11 cancelled

10-13-11P02:34 RCVD

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OCT 13 2011

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 26, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 12, 2011 minutes.

10-21-11A11:06 RCVD

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 1844 Laguna Street. Letter from Alfred & Patty Dobrow, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2011/06/01/7152, which was issued on June 16, 2011. The appeal period ended on July 01, 2011, and the jurisdiction request was received at the Board office on Aug. 19, 2011. Permit Holder: California Investment LLC. Project: provide roof deck and two skylights; altering gable roof to flat roof; replace windows to French doors; convert attic to habitable space. **Note: public hearing held on Sept. 14, 2011; matter continued to allow time for a revision permit to be issued and possibly appealed by the requestors; no additional briefing is allowed.**

(5) **APPEAL NO. 11-018**

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: CARMEN HO	731 & 735 Commercial Street. Appealing an Amended Request for Release of Suspension dated Jan. 25, 2011, addressed to DBI Director Vivian Day, which requests that that the suspensions against BPA Nos. 2010/06/14/4484 and 2010/05/05/1750 be lifted because the property owner has worked with the Planning Department to clarify the proposed improvements under these permits. FOR FURTHER CONSIDERATION TODAY. **Note: on March 23, 2011 the matter was continued to allow time for (a) the parties to meet with the Zoning Administrator to discuss the proposed "fix it" permit to see if agreement can be reached on how to resolve this matter; and (b) Planning and DBI to jointly submit a list and scope of work for all permits associated with the property.**

(6) **APPEAL NO. 11-098**

MIKE WILDMAN, ALISTAIR SHERRET, & REGINA McMAHON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1100 Lombard Street. Protesting the issuance on August 22, 2011, to David Blanz, Permit to Alter a Building (expand parking garage at ground floor; enlarge garage door to 10 feet wide; structural strengthening of all floors; sprinkler and MEP under separate permit; provide sound insulation between units). APPLICATION NO. 2011/07/27/1170. PUBLIC HEARING HELD ON OCT. 12, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

(7) **APPEAL NO. 11-100**

1500 FRANCISCO ST. HOA INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1500 Francisco Street #10. Protesting the issuance on Aug. 31, 2011, to Martin Beresford, Permit to Alter a Building (replace existing roof deck; like for like). APPLICATION NO. 2011/08/22/2947. FOR HEARING TODAY.

(8) **SPECIAL ITEM:**

Discussion and possible adoption of the departmental annual report for fiscal year 2010-2011.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 21, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

October 26, 2011

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, OCTOBER 26, 2011
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Chris Hwang.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Peterson announced that she will be absent on December 7, 2011.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 12, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the October 12, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 1844 Laguna Street. Letter from Alfred & Patty Dobrow, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2011/06/01/7152, which was issued on June 16, 2011. The appeal period ended on July 01, 2011, and the jurisdiction request was received at the Board office on Aug. 19, 2011. Permit Holder: California Investment LLC. Project: provide roof deck and two skylights; altering gable roof to flat roof; replace windows to French doors; convert attic to habitable space. **Note: public hearing held on Sept. 14, 2011; matter continued to allow time for a revision permit to be issued and possibly appealed by the requestors; no additional briefing is allowed.**

ACTION: Upon motion by President Goh, the Board voted 2-2-1 (Vice President Garcia and Commissioner Fung dissented, Commissioner Hwang absent) to grant the Jurisdiction Request. Lacking the four votes needed to pass, the motion failed. With no further motion made, the jurisdiction request was denied by operation of law.

SPEAKERS: Alfred Dobrow, requestor; John Pollard, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-018**

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	731 & 735 Commercial Street. Appealing an Amended Request for Release of Suspension dated Jan. 25, 2011, addressed to DBI Director Vivian Day, which requests that that the suspensions against BPA Nos.

Subject Property Owner: CARMEN HO	2010/06/14/4484 and 2010/05/05/1750 be lifted because the property owner has worked with the Planning Department to clarify the proposed improvements under these permits. FOR FURTHER CONSIDERATION TODAY. **Note: on March 23, 2011 the matter was continued to allow time for (a) the parties to meet with the Zoning Administrator to discuss the proposed "fix it" permit to see if agreement can be reached on how to resolve this matter; and (b) Planning and DBI to jointly submit a list and scope of work for all permits associated with the property.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to accept the written submittal offered by the subject property owner. Upon further motion

by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and uphold the Amended Request for Release of Suspension on the condition that a Notice of Special Restrictions (NSR) be recorded on the property (1) stating that the NSR is being required by the Board of Appeals; and (2) that the NSR contain the language in the document submitted by the subject property owner at hearing numbered "2" and dated September 30, 2011, excluding the last paragraph. This decision is based on a finding that the parties have agreed to the key terms of the NSR.

SPEAKERS: Jason Bley, appellant; Melvin Lee, agent for subject property owner; Alan Wong, agent for subject property owner; Scott Sanchez, ZA.

PUBLIC COMMENT: Howard Wong spoke in support of the appellant. Larry (no last name given) spoke in support of the subject property owner.

(6) **APPEAL NO. 11-098**

MIKE WILDMAN, ALISTAIR SHERRET,	1100 Lombard Street. Protesting the issuance on August 22, 2011, to David Blanz, Permit to Alter a Building (expand parking garage at

& REGINA McMAHON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	ground floor; enlarge garage door to 10 feet wide; structural strengthening of all floors; sprinkler and MEP under separate permit; provide sound insulation between units). APPLICATION NO. 2011/07/27/1170. PUBLIC HEARING HELD ON OCT. 12, 2011. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct settlement negotiations.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and condition the permit so that the tenants are not required to vacate their units during construction, based on the permit holder voluntarily agreeing to this condition.

SPEAKERS: Stephen Collier, attorney for permit holder; David Foran, attorney for permit holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 11-100**

1500 FRANCISCO ST. HOA INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1500 Francisco Street #10. Protesting the issuance on Aug. 31, 2011, to Martin Beresford, Permit to Alter a Building (replace existing roof deck; like for like). APPLICATION NO. 2011/08/22/2947. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and condition the permit to require that the permit holder apply for and procure a new permit for the structural upgrade to the roof structure, on the basis that the permit is Code compliant.

SPEAKERS: Roy Stern, agent for the appellant; Martin Beresford, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **SPECIAL ITEM:**

Discussion and possible adoption of the departmental annual report for fiscal year 2010-2011.

ACTION: Upon motion by President Goh, the Board voted 4-0-1 (Commissioner Hwang absent) to accept the report.

SPEAKERS: Director Goldstein provided an overview of the report.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 7:05 p.m.

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Today

Pacheco, ... 10:5...
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PUBLIC NOTICE - BOA

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Thursday, October 27, 2011 10:59 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Gessner, Francesca [francesca.gessner@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **CANCELLED** the meeting of November 02, 2011, and has **NOT SCHEDULED** a meeting for November 09, 2011. The next regular meeting is scheduled for **WEDNESDAY, NOVEMBER 16, 2011**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 27, 2011**

10-27-11A11:15 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 16, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 26, 2011 minutes.

11-10-11A10:29 RCVD

(4) **SPECIAL ITEM:**

Informational presentation on proposed Planning Code amendments.

(5) **APPEAL NO. 11-094**

WINFIELD DESIGN INTERNATIONAL INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3000 – 23rd Street aka 2690 Harrison Street. Appealing a Notice of Violation and Penalty dated August 19, 2011, addressed to Thomas Shuen and M.J. Gaines at Winfield Design International Inc., regarding non-compliance with the conditions of approval of Planning Commission Motion No. 16546 and corresponding provisions of the Inclusionary Affordable Housing Program requirements of the Planning Code. FOR HEARING TODAY.

(6) **APPEAL NO. 11-095**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 09, 2011**

November 16, 2011

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, NOVEMBER 16, 2011
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Chris Hwang and Commissioner Tanya Peterson.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Susan Cleveland-Knowles, Deputy City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Dan Sider, Assistant to the Zoning Administrator; Aaron Starr, Planner, Planning Department (PD); Shondra Egan, Mayor's Office of Housing (MOH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 26, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 5-0 to adopt the October 26, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Informational presentation on proposed Planning Code amendments.

ACTION: None.

SPEAKERS: Scott Sanchez, ZA and Aaron Starr, PD, presented information to the Board on proposed changes to Planning Code provisions related to parking, awnings, signs, exposure, open space and limited commercial uses.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-094**

WINFIELD DESIGN INTERNATIONAL INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3000 – 23rd Street aka 2690 Harrison Street. Appealing a Notice of Violation and Penalty dated August 19, 2011, addressed to Thomas Shuen and M.J. Gaines at Winfield Design International Inc., regarding non-compliance with the conditions of approval of Planning Commission Motion No. 16546 and corresponding provisions of the Inclusionary Affordable Housing Program requirements of the Planning Code. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the Zoning Administrator on the basis that he did not err or abuse his discretion and that the 90 day statute of limitations has run.

SPEAKERS: Edward Suman, attorney for appellant; Scott Sanchez, ZA; Susan Cleveland-Knowles, OCA; Shondra Egan, MOH.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 11-095**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to January 18, 2012 so that (1) DBI can inspect the site in order to explain to the Board what wood is to be removed and to provide photographs of the site to the Board; and (2) the parties may continue settlement discussions to see if they can reach an agreement. The Board asked DBI to stop pursuing the Notice of Violation during the pendency of the appeal. No additional briefing is allowed with the exception of a settlement agreement if one is ready.

SPEAKERS: Pat Buscovich, appellant; Andrew Zacks, attorney for appellant; Claudia Fraiser, subject property owner; Kevin Rose, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh, adjourned the meeting at 7:15 p.m.

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Today

Pacheco, ... 10:2...
PUBLIC NOTICE; N...

PUBLIC NOTICE; NO BOA MEETINGS

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Monday, November 21, 2011 10:25 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for November 23, 2011 or November 30, 2011. The next regular meeting is scheduled for **WEDNESDAY, DECEMBER 07, 2011**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

11-21-11A10:30 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 07, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 16, 2011 minutes.

12-02-11P12:51 RCVD

(4) **APPEAL NO. 11-110**

ELIAS LOUH dba "ST. PAUL'S MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1598 Sanchez Street. Appealing a seventy (70) day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 04, 2011. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-11-44. FOR HEARING TODAY.

ITEMS (5A), (5B), (5C) & (5D) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 11-113**

ARISTO INVESTMENT GROUP LP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(5B) **APPEAL NO. 11-114**

JACQUI ROBINSON, NABEEL ABDALLAH dba "L'EATALIANO", AND JIM & DEB SELLERS dba "SELLERS MARKETS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(5C) **APPEAL NO. 11-115**

MICHELLE FUNKHOUSER, "US BANK", DAVE HILBURN dba "YOPPI YOGURT", AND SHANNON BLALACK dba "PLANT CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(5D) **APPEAL NO. 11-117**

ARSALAN NAJMABADI dba "PORTICO RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(6) **APPEAL NO. 11-119**

JORDAN KWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	791-793 – 22nd Ave nue. Protesting the issuance on Oct. 07, 2011, to Michael Cabarrubia, Permit to Alter a Building (two-story rear yard addition with roof deck; legalize space at 1st floor; provide two bedrooms and bath; new bedroom and relocate bath at 2nd floor). APPLICATION NO. 2011/02/03/9574S. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **December 2, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
TANYA PETERSON	COMMISSIONER

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 14, 2011

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

12-09-11P01:31 RCVD

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 07, 2011 minutes.

(4) **APPEAL NO. 07-209**

GARY MARTINOVSKY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the removal on August 30, 2007, of appellant's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-417. FOR HEARING TODAY. **Note: Matter rescheduled to Call of Chair at request of both parties.**

(5) **APPEAL NO. 11-091**

CARLA WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1731 – 15th Street. Protesting the issuance on Aug. 08, 2011, to Jolish 1731 – 15th Street LLC, Permit to Alter a Building (seismic retrofit and building rehabilitation; life/safety improvements; new bathrooms and community kitchens; new elevator; new roof terrace; increase number of rooms from 27 to 52). APPLICATION NO. 2010/09/28/1752"S". FOR HEARING TODAY.

ITEMS (6A), (6B), (6C), (6D), (6E), (6F), (6G), (6H) & (6I) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 11-103**

SHEILA MURPHY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6B) **APPEAL NO. 11-104**

ARISTO INVESTMENT GROUP LP, UMBERTO GIBIN dba "BARBACCO ENO TRATTORIA" & "PERBACCO RISTORANTE", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6C) **APPEAL NO. 11-105**

MICHELLE FUNKHOUSER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6D) **APPEAL NO. 11-106**

MONESH JOSAN dba "SUBWAY" & "7-ELEVEN", DAVID DAVARI dba "FOCACCIA MARKET BAKERY", AND PAUL AYANIAN dba "LE REGENCY DELI", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6E) **APPEAL NO. 11-107**

JOHN ISAACS, OSMAN ZUGHAYER dba "ZIGGY'S BURGERS", AND VAN BOWERSMITH & CHAU DANG dba "LES CROISSANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6F) **APPEAL NO. 11-108**

MUNA AZZGHAYER dba "OASIS GRILL" & "DRUMM LIQUOR & DELI", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6G) **APPEAL NO. 11-109**

ARSALAN NAJMABADI dba "PORTICO RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6H) **APPEAL NO. 11-111**

HOWARD FISH dba "SKYLINE CONSTRUCTION", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6I) **APPEAL NO. 11-112**

CARLOS AGUILAR dba "ORALE ORALE MEXICAN RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

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(7A) **APPEAL NO. 11-113**

ARISTO INVESTMENT GROUP LP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(7B) **APPEAL NO. 11-114**

JACQUI ROBINSON, NABEEL ABDALLAH dba "L'EATALIANO", AND JIM & DEB SELLERS dba "SELLERS MARKETS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

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(7D) **APPEAL NO. 11-117**

ARSALAN NAJMABADI dba "PORTICO RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

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Date posted: **Dec. 09, 2011**

MEMBERS OF THE BOARD OF APPEALS

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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December 14, 2011

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, DECEMBER 14, 2011
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia and Commissioner Frank Fung.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Jarvis Murray, Municipal Transportation Agency, Division of Taxis and Accessible Services (MTA DTAS); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Anthony Grieco, Acting Chief Building Inspector, Department of Building Inspection (DBI); Regina Dick-Endrizzi, Excutive Director, Office of Small Business (OSB); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Chris Hwang.

(1) **PUBLIC COMMENT:**

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SPEAKERS: Walter Paulson sang his comments, wishing the Board happy holidays and good luck.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Goh commented on the resignation of Commissioner Tanya Peterson and remarked on her great skills as a member of the Board. She noted Commissioner Peterson's contribution to the effort last year to revise the Board's Rules and stated that she will miss having her as a colleague on the Board. Vice President Garcia also expressed his appreciation of Commissioner Peterson's service on the Board and stated that he hoped she would appear before the Board to hear in person, how her many talents contributed to the work of the Board. Commissioner Fung indicated that he will wait to express his appreciation for Commissioner Peterson until she appears before the Board.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 07, 2011 minutes.

ACTION: President Goh asked that the Rule V.5 be specifically referenced under her comments in Item #2.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 07-209**

GARY MARTINOVSKY, Appellant(s)

vs.

TAXI COMMISSION,
Respondent

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Hwang absent) to deny the appeal and to uphold the department with written findings to be adopted at a later time.

SPEAKERS: The appellant did not appear; Jarvis Murray, SFMTA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 11-091**

CARLA WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1731 – 15th Street. Protesting the issuance on Aug. 08, 2011, to Jolish 1731 – 15th Street LLC, Permit to Alter a Building (seismic retrofit and building rehabilitation; life/safety improvements; new bathrooms and community kitchens; new elevator; new roof terrace; increase number of rooms from 27 to 52). APPLICATION NO. 2010/09/28/1752"S". FOR HEARING TODAY.

WITHDRAWN BY APPELLANT.

ITEMS (6A), (6B), (6C), (6D), (6E), (6F), (6G), (6H) & (6I) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 11-103**

SHEILA MURPHY, Appellant(s) vs.	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile

DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6B) **APPEAL NO. 11-104**

ARISTO INVESTMENT GROUP LP, UMBERTO GIBIN dba "BARBACCO ENO TRATTORIA" & "PERBACCO RISTORANTE", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6C) **APPEAL NO. 11-105**

MICHELLE FUNKHOUSER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6D) **APPEAL NO. 11-106**

MONESH JOSAN dba "SUBWAY" & "7-ELEVEN", DAVID DAVARI dba "FOCACCIA MARKET BAKERY", AND PAUL AYANIAN dba "LE REGENCY DELI", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

Respondent	

(6E) **APPEAL NO. 11-107**

JOHN ISAACS, OSMAN ZUGHAYER dba "ZIGGY'S BURGERS", AND VAN BOWERSMITH & CHAU DANG dba "LES CROISSANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6F) **APPEAL NO. 11-108**

MUNA AZZGHAYER dba "OASIS GRILL" & "DRUMM LIQUOR & DELI", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6G) **APPEAL NO. 11-109**

ARSALAN NAJMABADI dba "PORTICO RESTAURANT", Appellant (s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6H) **APPEAL NO. 11-111**

HOWARD FISH dba "SKYLINE CONSTRUCTION", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

(6I) **APPEAL NO. 11-112**

CARLOS AGUILAR dba "ORALE ORALE MEXICAN RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-0-1 (Commissioner Hwang absent) to continue this matter to Janaury 11, 2012 to allow the permit holder time to obtain a Certificate of Sanitation for the Second Street location with the understanding that the Board intends to remove the other locations from the permit.

SPEAKERS: Ilene Dick, attorney for appellant 11-103; Sheila Murphy, appellant 11-103; Karen Smith, agent for appellant 11-104; Howard Ellman, attorney for appellant 11-105; David Cincotti, attorney for appellants 11-106 and 11-109; Monesh Josan, appellant 11-106; Arsalan Najmabadi, appellant 11-109; John Isaacs, appellant 11-107; Muna Azzghayer, appellant 11-108; Howard Fish, appellant 11-111; Alex Aguilar, agent for appellant 11-112; Van Bowersmith, appellant 11-107; Jeremy Paul, agent for permit holders; John Kwong, DPW; Anamika Khanna, permit holder; Tim Volkema, permit holder.

PUBLIC COMMENT: Regina Dick-Endrizzi (Office of Small Business) and Matt Cohen spoke in support of the permit holders. Ken Cleaveland, Sushil Sharma and Deborah Sellers spoke in support of the appellants.

ITEMS (7A), (7B), (7C) & (7D) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 11-113**

ARISTO INVESTMENT GROUP LP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(7B) **APPEAL NO. 11-114**

JACQUI ROBINSON, NABEEL ABDALLAH dba "L'EATALIANO", AND JIM & DEB SELLERS dba "SELLERS MARKETS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(7C) **APPEAL NO. 11-115**

MICHELLE FUNKHOUSER, "US BANK", DAVE HILBURN dba "YOPPI YOGURT", AND SHANNON BLALACK dba "PLANT CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

(7D) **APPEAL NO. 11-117**

ARSALAN NAJMABADI dba "PORTICO RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2600 Mission Street, 3092 – 16th Street, 101 California Street, 25 Beale Street, and 535 Washington Street. Protesting the issuance on Oct. 03, 2011, to Doc's of the Bay, Mobile Food Facility Permit (sale of burgers, French fries, black bean burgers, mac and cheese, drinks). PERMIT NO. 11MFF-0029. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 3-0-1 (Commissioner Hwang absent) to grant the appeal and uphold the permit on the condition that the locations at 101 California Street and 25 Beale Street be removed from the permit, pursuant to the stipulation of the parties.

SPEAKERS: Jeremy Paul, agent for permit holder; Karen Smith, agent for appellant 11-113; David Cincotta, attorney for appellant 11-117; Jacqui Robinson, appellant 11-114; Deborah Sellers appellant 11-114; Lauren Smith, permit holder; Howard Ellman, attorney for appellants 11-115; John Kwong, DPW.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 9:15 p.m.

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PUBLIC NOTICE - NO BOA MEETINGS

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, December 16, 2011 10:58 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for December 21, 2011, December 28, 2011, or January 04, 2012. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 11, 2012,** City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **December 15, 2011**

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